

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 757

**Introduced by Senator Berryhill
(Coauthor: Senator Calderon)**

February 22, 2013

~~An act to amend Sections 21608.6 and 21626.5 of the Business and Professions Code, relating to business.~~ *An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 1120, 10927, and 12924 of, to add Sections 113, 1242.1, and 10750.1 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.*

LEGISLATIVE COUNSEL'S DIGEST

SB 757, as amended, Berryhill. ~~Junk dealers and recyclers.~~ *Groundwater management.*

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

This bill would state the policy of the state that groundwater resources be managed responsibly for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. The bill would state that responsible groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science and in consideration of local needs and circumstances.

The bill would also state the policy of the state is to encourage conjunctive use of surface water and groundwater and would provide that the Legislature finds and declares that the storage of water underneath the ground is a beneficial use of water.

(2) 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 specified 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 prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed, except for high- or medium-priority basins that are not in a condition of long-term overdraft and low- or very low priority basins.

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are in a condition of long-term overdraft to be managed under a groundwater management plan or coordinated groundwater management plans of a groundwater management agency, with specified exceptions. The bill would require a groundwater management plan to be developed and implemented to meet the management goal, established as prescribed, and would require the plan to include prescribed components. The bill would require a groundwater management agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.

This bill would authorize any local agency, as defined, or combination of local agencies, to elect to be a groundwater management agency and would require, within 30 days of deciding to be or forming a groundwater management agency, the groundwater management agency to inform the department of its decision or formation and its intent to undertake responsible groundwater management. The bill would provide specific authority to a groundwater management agency, including, but not limited to, the ability to require registration of groundwater extraction facilities, to require that a groundwater extraction facility be measured with a water-measuring device or methodology satisfactory

to the groundwater management agency, to regulate groundwater pumping, and to impose certain fees.

This bill would authorize the department or a groundwater management agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. The bill would require the department to develop advisory best management practices for the responsible management of groundwater through a specified public process.

This bill would require a groundwater management agency to submit a groundwater management plan to the department for review. The bill would authorize the department to periodically review groundwater management plans, and by June 1, 2016, would require the department to develop regulations for evaluating groundwater management plans. The bill would authorize a local agency to submit to the department for evaluation an alternative plan that is not a groundwater management plan. The bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree and any report or reports required by the judgment or other judicial order or decree.

This bill would authorize a groundwater management agency and the board to conduct inspections only after obtaining an inspection warrant, as specified. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, the 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 specified determination. The 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. The 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 management plan or plans are adequate to eliminate the condition of long-term overdraft. The bill would provide that the board has authority to rescind or amend an interim plan based on the progress made by a groundwater management agency or in an adjudication action.

(3) 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, before the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater management plan, groundwater management court order, judgment, or decree, or an adjudication of water rights. The bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to a groundwater management agency that has adopted a groundwater management plan or local agency that otherwise manages groundwater and to a watermaster established by a court order, judgment, decree, or adjudication.

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 also would require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater management plan. The bill would require a groundwater management agency, or a watermaster established by a court order, judgment, decree, or adjudication, to provide the planning agency with certain information as is appropriate and relevant.

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

(4) 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.

(5) 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.

~~Existing law authorizes junk dealers and recyclers, as defined, to sell and purchase junk, which includes secondhand and used furniture, pallets, or other personal property, as specified. Existing law requires junk dealers and recyclers to obtain valid identification, as specified, from a seller before providing payment for newspaper, as defined, or for California Redemption Value (CRV) containers. Existing law requires junk dealers and recyclers to maintain written records of specified information and makes a violation of the recordkeeping requirements a misdemeanor.~~

~~This bill would permit a seller to use a passport from any country or a Matricula Consular issued by Mexico, along with another form of identification bearing an address, or an identification card issued by the United States, as identification for purposes of these provisions.~~

~~Existing law regulates secondhand dealers and coin dealers, as defined, and makes a violation of those provisions a misdemeanor.~~

~~This bill would specify that the provisions governing secondhand dealers and coin dealers do not apply to junk dealers, as defined, and would declare that provision declaratory of existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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*
- 4 *water resources of the state and that the management of the state's*
- 5 *water resources is essential to meeting its water management*
- 6 *goals.*
- 7 (2) *Groundwater accounts for more than one-third of the water*
- 8 *used by Californians in an average year and more than one-half*
- 9 *of the water used by Californians in a drought year when other*
- 10 *sources are unavailable.*
- 11 (3) *Excessive groundwater pumping can cause overdraft, failed*
- 12 *wells, deteriorated water quality, environmental damage, and*

1 *irreversible land subsidence that damages infrastructure and*
2 *diminishes the capacity of aquifers to store water for the future.*

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

7 *(5) Failure to manage groundwater to prevent chronic long-term*
8 *overdraft may infringe on groundwater rights.*

9 *(6) Groundwater resources are most effectively managed at the*
10 *local or regional level.*

11 *(7) Local and regional agencies must have the necessary support*
12 *and authority to manage groundwater.*

13 *(8) If a local groundwater management agency does not manage*
14 *its groundwater responsibly, other action may be necessary.*

15 *(9) Information on the amount of groundwater extraction,*
16 *natural and artificial recharge, and groundwater evaluations are*
17 *critical for effective groundwater management.*

18 *(10) Responsible groundwater management depends upon*
19 *creating more opportunities for conjunctive management of surface*
20 *water resources and for groundwater recharge and banking*
21 *projects. Climate change will intensify the need to recalibrate and*
22 *reconcile water management strategies.*

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

25 *(1) Provide local and regional agencies the authority to*
26 *responsibly manage groundwater.*

27 *(2) Provide that if no local groundwater agency or agencies*
28 *provide groundwater management for a groundwater basin or*
29 *subbasin, the state has the authority to do so until the local*
30 *groundwater management agency or agencies assume management*
31 *of the basin or subbasin or initiate an adjudication of groundwater*
32 *rights.*

33 *(3) Require the development and reporting of those data*
34 *necessary to support groundwater management, including those*
35 *data that help describe the basin's geology, the short- and*
36 *long-term trends of the basin's water balance and those data*
37 *necessary to resolve disputes regarding available supply, beneficial*
38 *uses, and water rights.*

39 *(4) Protect groundwater rights.*

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

3 65350.5. Before the adoption or any substantial amendment
4 of a city or county general plan, the planning agency shall review
5 and consider all of the following:

6 (a) An adopted or updated groundwater management plan
7 pursuant to Part 2.74 (commencing with Section 10720) or Part
8 2.75 (commencing with Section 10750) of Division 6 of the Water
9 Code or groundwater management court order, judgment, or
10 decree.

11 (b) An adjudication of water rights.

12 SEC. 3. Section 65352 of the Government Code is amended to
13 read:

14 65352. (a) ~~Prior to action by~~ Before a legislative body takes
15 action to adopt or substantially amend a general plan, the planning
16 agency shall refer the proposed action to all of the following
17 entities:

18 (1) A city or ~~county~~, county within or abutting the area covered
19 by the proposal, and any special district that may be significantly
20 affected by the proposed action, as determined by the planning
21 agency.

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

24 (3) The local agency formation commission.

25 (4) An areawide planning agency whose operations may be
26 significantly affected by the proposed action, as determined by the
27 planning agency.

28 (5) A federal ~~agency~~ agency, if its operations or lands within
29 its jurisdiction may be significantly affected by the proposed action,
30 as determined by the planning agency.

31 (6) (A) The branches of the United States Armed Forces that
32 have provided the Office of Planning and Research with a
33 California mailing address pursuant to subdivision (d) of Section
34 ~~65944~~ when 65944, if the proposed action is within 1,000 feet of
35 a military installation, or lies within special use airspace, or beneath
36 a low-level flight path, as defined in Section 21098 of the Public
37 Resources Code, ~~provided that~~ and if the United States Department
38 of Defense provides electronic maps of low-level flight paths,
39 special use airspace, and military installations at a scale and in an

1 electronic format that is acceptable to the Office of Planning and
2 Research.

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

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

17 (8) *A groundwater management agency that has adopted a*
18 *groundwater management plan pursuant to Part 2.74 (commencing*
19 *with Section 10720) of Division 6 of the Water Code or a local*
20 *agency that otherwise manages groundwater pursuant to other*
21 *provisions of law or a court order, judgment, or decree within the*
22 *planning area of the proposed general plan.*

23 (9) *A watermaster established by a court order, judgment,*
24 *decree, or adjudication.*

25 ~~(8)~~

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

28 ~~(9) On and after March 1, 2005, a~~

29 (11) A California Native American tribe, that is on the contact
30 list maintained by the Native American Heritage Commission,
31 ~~with Commission and that has~~ traditional lands located within the
32 ~~city~~ city's or county's jurisdiction.

33 ~~(10)~~

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

38 (b) ~~Each~~ An entity receiving a proposed general plan or
39 amendment of a general plan pursuant to this section shall have
40 45 days from the date the referring agency mails it or delivers it

1 ~~in which~~ to comment unless a longer period is specified by the
2 planning agency.

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

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

9 *SEC. 4. Section 65352.5 of the Government Code is amended*
10 *to read:*

11 65352.5. (a) The Legislature finds and declares ~~that~~ it is vital
12 that there ~~be~~ *is* close coordination and consultation between
13 California's water supply *or management* agencies and California's
14 land use approval agencies to ensure that proper water supply *and*
15 *management* planning occurs ~~in order~~ to accommodate projects
16 that will result in increased demands on water ~~supplies~~. *supplies*
17 *or impact water resource management.*

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

24 (c) 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 public water system, as defined in Section
27 116275 of the Health and Safety Code, with 3,000 or more service
28 connections, shall provide the planning agency with the following
29 information, as is appropriate and relevant:

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

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

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

39 (4) A description of the quantity of surface water that was
40 purveyed by the water supplier in each of the previous five years.

1 (5) A description of the quantity of groundwater that was
2 purveyed by the water supplier in each of the previous five years.

3 (6) A description of all proposed additional sources of water
4 supplies for the water supplier, including the estimated dates by
5 which these additional sources should be available and the
6 quantities of additional water supplies that are being proposed.

7 (7) A description of the total number of customers currently
8 served by the water supplier, as identified by the following
9 categories and by the amount of water served to each category:

10 (A) Agricultural users.

11 (B) Commercial users.

12 (C) Industrial users.

13 (D) Residential users.

14 (8) Quantification of the expected reduction in total water
15 demand, identified by each customer category set forth in paragraph
16 (7), associated with future implementation of water use reduction
17 measures identified in the water supplier's urban water
18 management plan.

19 (9) Any additional information that is relevant to determining
20 the adequacy of existing and planned future water supplies to meet
21 existing and planned future demands on these water supplies.

22 *(10) A report on the anticipated effect of proposed action to*
23 *adopt or substantially amend a general plan on implementation*
24 *of a groundwater management plan pursuant to Part 2.74*
25 *(commencing with Section 10720) of Division 6 of the Water Code.*

26 *(d) 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 groundwater management agency, as*
29 *defined in Section 10721 of the Water Code, or a watermaster*
30 *established pursuant to a court order, judgment, decree, or*
31 *adjudication, shall provide the planning agency with the following*
32 *information, as is appropriate and relevant:*

33 *(1) The current version of its groundwater management plan*
34 *adopted pursuant to Part 2.74 (commencing with Section 10720)*
35 *of Division 6 of the Water Code.*

36 *(2) If the groundwater management agency manages*
37 *groundwater pursuant to a court order, judgment, decree, including*
38 *an adjudication of groundwater rights, or agreement among*
39 *affected water rights holders, the groundwater management agency*
40 *shall provide the planning agency with maps of recharge basins*

1 *and percolation ponds, extraction limitations, and other relevant*
2 *information, and the court order, judgment, or decree.*

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

4 *113. It is the policy of the state that groundwater resources be*
5 *managed responsibly for long-term water supply reliability and*
6 *multiple economic, social, or environmental benefits for current*
7 *and future beneficial uses in accordance with groundwater rights.*
8 *Responsible groundwater management is best achieved locally*
9 *through the development, implementation, and updating of plans*
10 *and programs based on the best available science and in*
11 *consideration of local needs and circumstances.*

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

13 *1120. This chapter applies to any decision or order issued under*
14 *this part or Section 275, Part 2 (commencing with Section 1200),*
15 *Part 2 (commencing with Section 10500) of Division 6, Chapter*
16 *12 (commencing with Section 10734) of Part 2.74 of Division 6,*
17 *Article 7 (commencing with Section 13550) of Chapter 7 of*
18 *Division 7, or the public trust doctrine.*

19 *SEC. 7. Section 1242.1 is added to the Water Code, to read:*

20 *1242.1. It is the policy of the state to encourage conjunctive*
21 *use of surface water and groundwater. To that end, the Legislature*
22 *finds and declares that the storage of water underneath the ground*
23 *is a beneficial use of water.*

24 *SEC. 8. Part 2.74 (commencing with Section 10720) is added*
25 *to Division 6 of the Water Code, to read:*

26

27 *PART 2.74. GROUNDWATER MANAGEMENT*

28

29 *CHAPTER 1. GENERAL PROVISIONS*

30

31 *10720. This part shall be known, and may be cited, as the*
32 *Groundwater Management Act.*

33 *10720.1. In enacting this part, it is the intent of the Legislature*
34 *to do all of the following:*

35 *(a) Provide for the responsible management of groundwater*
36 *basins.*

37 *(b) Enhance local management of groundwater consistent with*
38 *rights to use or store groundwater and Section 2 of Article X of*
39 *the California Constitution.*

40 *(c) Protect groundwater rights.*

1 (d) Establish standards for responsible groundwater
2 management.

3 (e) Provide local groundwater agencies with the authority and
4 the technical and financial assistance necessary to appropriately
5 manage groundwater.

6 (f) Avoid or minimize subsidence.

7 (g) Improve data collection and technological knowledge of
8 groundwater.

9 (h) Increase groundwater storage, when appropriate, and
10 remove impediments to recharge.

11 (i) Manage groundwater basins through the actions of local
12 agencies to the extent feasible, while minimizing state intervention.

13 10720.3. To the extent authorized under federal or tribal law,
14 this part applies to an Indian tribe and to the federal government.

15 10720.5. Groundwater management pursuant to this part shall
16 be consistent with Section 2 of Article X of the California
17 Constitution. Nothing in this part modifies rights or priorities to
18 use or store groundwater consistent with Section 2 of Article X of
19 the California Constitution, except that no extraction of
20 groundwater from a groundwater extraction facility constructed
21 after January 1, 2015, may be used as evidence to establish any
22 claim of prescription.

23 10720.7. Subject to Chapter 6 (commencing with Section
24 10727) and Chapter 12 (commencing with Section 10735), by
25 January 31, 2020, all basins designated as high- or
26 medium-priority basins by the department and that are in a
27 condition of long-term overdraft shall be managed under a
28 groundwater management plan or coordinated groundwater
29 management plans pursuant to this part.

30 10720.9. (a) Except as provided in subdivision (b) of Section
31 10733.6, this part does not apply to a local agency that conforms
32 to the requirements of an adjudication of water rights in a
33 groundwater basin or to that adjudicated basin. For purposes of
34 this section, an adjudication includes an adjudication under Section
35 2101 and an adjudication in state or federal court, including, but
36 not limited to, the following adjudicated groundwater basins:

37 (1) Beaumont Basin.

38 (2) Brite Basin.

39 (3) Central Basin.

40 (4) Chino Basin.

- 1 (5) *Cucamonga Basin.*
- 2 (6) *Cummings Basin.*
- 3 (7) *Goleta Basin.*
- 4 (8) *Main San Gabriel Basin: Puente Narrows.*
- 5 (9) *Mojave Basin Area.*
- 6 (10) *Puente Basin.*
- 7 (11) *Raymond Basin.*
- 8 (12) *San Jacinto Basin.*
- 9 (13) *Santa Margarita River Watershed.*
- 10 (14) *Santa Maria Valley Basin.*
- 11 (15) *Santa Paula Basin.*
- 12 (16) *Scott River Stream System.*
- 13 (17) *Seaside Basin.*
- 14 (18) *Six Basins.*
- 15 (19) *Tehachapi Basin.*
- 16 (20) *Upper Los Angeles River Area.*
- 17 (21) *Warren Valley Basin.*
- 18 (22) *West Coast Basin.*
- 19 (23) *Western San Bernardino.*
- 20 (b) *The Antelope Valley basin at issue in the Antelope Valley*
- 21 *Groundwater Cases (Judicial Council Coordination Proceeding*
- 22 *Number 4408) shall be treated as an adjudicated basin pursuant*
- 23 *to this section if the superior court issues a final judgment, order,*
- 24 *or decree.*
- 25 10720.10. *Nothing in this part, or in any groundwater*
- 26 *management plan adopted pursuant to this part, shall affect surface*
- 27 *water rights or groundwater rights or the procedures under the*
- 28 *common law or local groundwater authority, or any provision of*
- 29 *law that determines or grants surface water rights.*
- 30 10720.11. *Division 13 (commencing with Section 21000) of*
- 31 *the Public Resources Code does not apply to the action of a local*
- 32 *agency under this part to do any of the following:*
- 33 (a) *Become or form a groundwater management agency.*
- 34 (b) *Develop, adopt, or amend a groundwater management plan.*
- 35 (c) *Implement or enforce a groundwater management plan*
- 36 *except to the extent implementation requires construction or*
- 37 *installation of new facilities.*
- 38 10720.13. *In addition to any other authority granted to a*
- 39 *groundwater management agency by this part or other laws,*
- 40 *groundwater management agencies may enter into agreements for*

1 *funding or other arrangements with private parties that would*
2 *assist in the implementation of groundwater management plans.*

3

4

CHAPTER 2. DEFINITIONS

5

6 *10721. Unless the context otherwise requires, the following*
7 *definitions govern the construction of this part:*

8 (a) *“Adjudication action” means an action filed in the state or*
9 *federal court to determine the rights to extract groundwater from*
10 *a basin or store water within a basin, including, but not limited*
11 *to, actions to quiet title or determine rights to extract or store*
12 *groundwater or an action brought to impose a physical solution*
13 *on a basin.*

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

19 (c) *“Basin” means a groundwater basin or subbasin identified*
20 *and defined in Bulletin 118 or as modified pursuant to Chapter 3*
21 *(commencing with Section 10722).*

22 (d) *“Bulletin 118” means the department’s report entitled*
23 *“California’s Groundwater: Bulletin 118” updated in 2003, as it*
24 *may be subsequently updated or revised in accordance with Section*
25 *12924.*

26 (e) *“Condition of long-term overdraft” means the condition of*
27 *a groundwater basin where the average annual amount of water*
28 *extracted over a long-term period, of 10 years or more, exceeds*
29 *the long-term average annual supply of water to the basin and any*
30 *temporary surplus. Overdraft during a period of drought is*
31 *insufficient to establish a condition of long-term overdraft if*
32 *extractions and recharge are managed, to the extent possible, to*
33 *ensure that reductions in groundwater levels or storage during a*
34 *period of drought are offset by increases in groundwater levels or*
35 *storage during nondrought periods.*

36 (f) *“Coordination agreement” means a binding, written*
37 *agreement between two or more groundwater management*
38 *agencies that provides the basis for coordinating multiple agencies*
39 *or groundwater management plans within a basin pursuant to this*
40 *part.*

1 (g) “*De minimis extractor*” means a person who extracts 20
2 acre-feet or less per year.

3 (h) “*Governing body*” means the legislative body of a
4 groundwater management agency.

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

9 (j) “*Groundwater extraction facility*” or “*well*” means a device
10 or method for extracting groundwater from within a basin.

11 (k) “*Groundwater management 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 management plan, “*groundwater management agency*” also means
16 each local agency comprising the groundwater management
17 agency if the plan authorizes separate agency action.

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

21 (m) “*Groundwater recharge*” means the augmentation of
22 groundwater, by natural or artificial means.

23 (n) “*Local agency*” means a local public agency that has water
24 supply, surface water management, groundwater management,
25 groundwater replenishment, or land use authority within a
26 groundwater basin, or a joint powers authority that includes local
27 public agencies with this authority.

28 (o) “*Management goal*” means the goals established by one or
29 more groundwater management plans for a basin that achieve
30 responsible groundwater management.

31 (p) “*Operator*” means a person operating a groundwater
32 extraction facility. The owner of a groundwater extraction facility
33 shall be conclusively presumed to be the operator unless a
34 satisfactory showing is made to the governing body of the
35 groundwater management agency that the groundwater extraction
36 facility actually is operated by some other person.

37 (q) “*Owner*” means a person who owns a groundwater
38 extraction facility or has an interest in a groundwater extraction
39 facility other than a lien to secure the payment of a debt or other
40 obligation.

- 1 (r) “Planning and implementation horizon” means a 50-year
2 time period over which a groundwater management agency
3 determines that plans and measures will be implemented in a basin
4 to ensure that the basin is operated within its available supply.
- 5 (s) “Public water system” has the same meaning as defined in
6 Section 116275 of the Health and Safety Code.
- 7 (t) “Recharge area” means the area that supplies water to an
8 aquifer in a groundwater basin.
- 9 (u) “Responsible groundwater management” means the use of
10 groundwater in a manner that can be maintained during the
11 planning and implementation horizon without causing an
12 undesirable result.
- 13 (v) “Undesirable result” means one or more of the following
14 effects occurring after January 1, 2020, and caused by
15 groundwater pumping occurring throughout the basin:
- 16 (1) Chronic lowering of groundwater levels below those
17 specified in the groundwater management plan or plans for the
18 basin, indicating a significant and unreasonable depletion of supply
19 if continued over the planning and implementation horizon,
20 excluding the lowering of groundwater levels caused by a drought
21 or in accordance with the groundwater management plan or plans
22 for the basin.
- 23 (2) Significant and chronic seawater intrusion.
- 24 (3) Significant and unreasonable degraded water quality,
25 including the migration of contaminant plumes that unreasonably
26 impairs water supplies.
- 27 (4) Significant and chronic land subsidence that substantially
28 interferes with surface land uses.
- 29 (w) “Water accounting” means an accounting of the total
30 groundwater and surface water entering and leaving a basin
31 including the changes in the amount of water stored.
- 32 (x) “Watermaster” means a watermaster appointed by a court
33 or pursuant to other law.
- 34 (y) “Water year” means the period from October 1 through the
35 following September 30, inclusive.
- 36 (z) “Wellhead protection area” means the surface and
37 subsurface area surrounding a water well or well field that supplies
38 a public water system through which contaminants are likely to
39 migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

1
2
3 10722. Unless other basin boundaries are established pursuant
4 to this chapter, a basin's boundaries shall be as identified in
5 Bulletin 118.

6 10722.2. (a) A local agency may request that the department
7 revise the boundaries of a basin, including the establishment of
8 new subbasins. A local agency's request shall be supported by the
9 following information:

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

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

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

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

20 (b) By January 1, 2016, the department shall develop and
21 publish regulations regarding the information required to comply
22 with subdivision (a).

23 (c) The department shall provide a copy of its draft revision of
24 a basin's boundaries to the California Water Commission, which
25 shall hear and comment on the draft revision within 60 days of
26 the date of receipt.

27 10722.3. (a) Any time the department updates Bulletin 118
28 pursuant to subdivision (b) of Section 12921, the department shall
29 reassess the prioritization pursuant to Section 10933.

30 (b) Any time the department changes the basin priorities
31 pursuant to Section 10933, if a basin is elevated to a high- or
32 medium-priority basin and is in a condition of long-term overdraft
33 after January 31, 2015, a local agency shall have either two years
34 from the date of reprioritization to establish a groundwater
35 management agency pursuant to Chapter 4 (commencing with
36 Section 10723) and five years from the date of reprioritization to
37 adopt a groundwater management plan pursuant to Chapter 6
38 (commencing with Section 10727) or two years to satisfy the
39 requirements of Section 10733.6

1 *plan or participating in the groundwater management plan adopted*
2 *by the annexing agency. For these limited purposes, a local agency*
3 *formation commission shall complete all proceedings on the*
4 *formation or annexation and serve as the conducting authority*
5 *within 180 days of the receipt of the petition for formation or*
6 *annexation.*

7 *(b) If a petition is not submitted pursuant to subdivision (a) by*
8 *January 1, 2016, the county or counties within which the*
9 *unmanaged area lies shall do one of the following:*

10 *(1) Be the groundwater management agency for the unmanaged*
11 *area.*

12 *(2) Timely develop a groundwater management plan for that*
13 *area, and enter into a coordination agreement with all other*
14 *groundwater management agencies in the basin.*

15 *(3) Join a joint powers authority that is the groundwater*
16 *management agency for the basin so that the unmanaged area is*
17 *subject to the groundwater management plan adopted for the basin*
18 *by the joint powers authority.*

19

20

CHAPTER 5. POWERS AND AUTHORITIES

21

22 *10725. A groundwater management agency may exercise any*
23 *of the powers described in this chapter in implementing this part,*
24 *in addition to, and not as a limitation on, any existing authority,*
25 *if the groundwater management agency adopts and submits to the*
26 *department a groundwater management plan or prescribed*
27 *alternative documentation in accordance with Section 10733.6.*

28 *10725.2. (a) A groundwater management agency may perform*
29 *any act necessary or proper to carry out the purposes of this part.*

30 *(b) A groundwater management agency may adopt rules,*
31 *regulations, ordinances, and resolutions for the purpose of this*
32 *part, in compliance with any procedural requirements applicable*
33 *to the adoption of a rule, regulation, ordinance, or resolution by*
34 *the groundwater management agency.*

35 *(c) In addition to any other applicable procedural requirements,*
36 *the groundwater management agency shall provide notice of the*
37 *proposed adoption of the groundwater management plan on its*
38 *Internet Web site and provide for electronic notice to any person*
39 *who requests electronic notification.*

1 10725.4. (a) A groundwater management agency may conduct
2 an investigation for the purposes of this part, including, but not
3 limited to, investigations for the following:

- 4 (1) Determine the need for groundwater management.
- 5 (2) Prepare and adopt a groundwater management plan and
6 implementing rules and regulations.
- 7 (3) Propose and update fees.
- 8 (4) Monitor compliance and enforcement.

9 (b) In connection with an investigation, a groundwater
10 management agency may inspect the property or facilities of a
11 person or entity to ascertain whether the purposes of this part are
12 being met and there is compliance with this part. The local agency
13 may conduct an inspection pursuant to this section only upon
14 obtaining necessary consent or an inspection warrant pursuant
15 to the procedure set forth in Title 13 (commencing with Section
16 1822.50) of Part 3 of the Code of Civil Procedure.

17 10725.6. A groundwater management agency may require
18 registration of groundwater extraction facilities within the
19 management area. Information submitted to register a groundwater
20 extraction facility shall be kept confidential and shall not be made
21 available for inspection by the public.

22 10725.8. (a) A groundwater management agency may require
23 that the use of groundwater extraction facilities within the
24 management area be measured by a water-measuring device or
25 methodology satisfactory to the groundwater management agency.

26 (b) A groundwater management agency may require all costs
27 associated with the purchase and installation of a water-measuring
28 device or methodology to be borne by the owner or operator of
29 each groundwater extraction facility. Water-measuring devices
30 shall be calibrated on a reasonable schedule as determined by the
31 groundwater management agency.

32 (c) A groundwater management agency may require, through
33 its groundwater management plan, that the owner or operator of
34 a groundwater extraction facility within the groundwater
35 management agency periodically file a statement with the
36 groundwater management agency setting forth the total extraction
37 in acre-feet of groundwater from the facility.

38 (d) In addition to the measurement of groundwater extractions
39 pursuant to subdivision (a), a groundwater management agency

1 *may use any other reasonable method to determine groundwater*
2 *extraction.*

3 *(e) This section does not apply to de minimis extractors.*

4 *10726. Diversions of surface water to underground storage*
5 *within the area of a groundwater management plan shall be*
6 *reported to the groundwater management agency.*

7 *10726.2. A groundwater management agency may do the*
8 *following:*

9 *(a) Acquire by grant, purchase, lease, gift, devise, contract,*
10 *construction, or as otherwise provided by law, and hold, use, enjoy,*
11 *sell, let, and dispose of, real and personal property of every kind,*
12 *including lands, water rights, water supplies, structures, buildings,*
13 *rights-of-way, easements, and privileges, and construct, maintain,*
14 *alter, and operate any and all works or improvements, within or*
15 *outside the agency, necessary or proper to carry out any of the*
16 *purposes of this part.*

17 *(b) Appropriate and acquire surface water, groundwater,*
18 *surface water rights, or groundwater rights, import surface water*
19 *or groundwater into the agency, and conserve and store within or*
20 *outside the agency that water for any purpose necessary or proper*
21 *to carry out the provisions of this part, including, but not limited*
22 *to, the spreading, storing, retaining, or percolating into the soil*
23 *of the waters for subsequent use or in a manner consistent with*
24 *the provisions of Section 10727.2. As part of this authority, the*
25 *agency may validate an existing groundwater conjunctive use or*
26 *storage program upon a finding that the program would aid or*
27 *assist the agency in developing or implementing a groundwater*
28 *management plan.*

29 *(c) Perform any acts necessary or proper to enable the agency*
30 *to purchase, transfer, deliver, or exchange water or water rights*
31 *of any type with any person to carry out the purposes of this part,*
32 *including, but not limited to, providing surface water in exchange*
33 *for a groundwater extractor's agreement to reduce or cease*
34 *groundwater extractions. The agency shall not deliver retail water*
35 *supplies within the service area of a public water system as part*
36 *of a groundwater management plan without either the consent of*
37 *that system or authority.*

38 *(d) Transport, reclaim, purify, desalinate, treat, or otherwise*
39 *manage and control polluted water, wastewater, or other waters*

1 *for subsequent use in a manner that is necessary or proper to carry*
2 *out the purposes of this part.*

3 *(e) Commence, maintain, intervene in, defend, compromise, and*
4 *assume the cost and expenses of any and all actions and*
5 *proceedings, including an action to adjudicate groundwater rights.*

6 *10726.4. (a) A groundwater management agency shall have*
7 *the following additional authority to implement its groundwater*
8 *management plans:*

9 *(1) Establish spacing requirements on new groundwater well*
10 *construction and reasonable operating regulations on existing*
11 *groundwater wells to minimize well interference, including*
12 *requiring pumpers to operate on a rotation basis.*

13 *(2) Manage groundwater extractions by regulating, limiting,*
14 *or suspending extractions from individual groundwater wells or*
15 *extractions from groundwater wells in the aggregate, the*
16 *construction of new groundwater wells, the enlarging of existing*
17 *groundwater wells, the reactivation of abandoned groundwater*
18 *wells, or otherwise establishing groundwater extraction*
19 *allocations. A limitation on extractions by a groundwater*
20 *management agency shall be consistent with groundwater rights*
21 *and shall not be construed to be a final determination of any*
22 *individual's rights to extract groundwater from the basin or any*
23 *portion of the basin.*

24 *(3) Authorize temporary and permanent transfers of*
25 *groundwater extraction allocations within the agency's boundaries,*
26 *or of groundwater extracted within the agency's boundaries if the*
27 *total quantity of groundwater extracted in any water year is*
28 *consistent with the provisions of the groundwater management*
29 *plan.*

30 *(4) Establish accounting rules to allow unused groundwater*
31 *extraction allocations issued by the agency to be carried over from*
32 *one year to another and voluntarily transferred, if the total quantity*
33 *of groundwater extracted in any five-year period is consistent with*
34 *the provisions of the groundwater management plan.*

35 *(b) Nothing in this section shall be construed to grant a*
36 *groundwater management agency the authority to issue permits*
37 *for the construction, modification, or abandonment of groundwater*
38 *wells. A permitting authority for wells shall be subject to the*
39 *agency's authorities exercised pursuant to this section. A county*
40 *may authorize a groundwater management agency to issue permits*

1 *for the construction, modification, or abandonment of groundwater*
2 *wells.*

3 *10726.6. (a) A groundwater management agency that adopts*
4 *a groundwater management plan may file an action to determine*
5 *the validity of the plan, or any other action taken pursuant to this*
6 *part, pursuant to Chapter 9 (commencing with Section 860) of*
7 *Title 10 of Part 2 of the Code of Civil Procedure.*

8 *(b) Subject to Sections 394 and 397 of the Code of Civil*
9 *Procedure, the venue for an action pursuant to this section shall*
10 *be the county in which the principal office of the groundwater*
11 *management agency is located.*

12 *(c) Any judicial action or proceeding to attack, review, set aside,*
13 *void, or annul the ordinance or resolution imposing a new, or*
14 *increasing an existing, fee imposed pursuant to Section 10730,*
15 *10730.2, or 10730.4 shall be brought pursuant to Section 66022*
16 *of the Government Code.*

17 *(d) Any person may pay a fee imposed pursuant to Section*
18 *10730, 10730.2, or 10730.4 under protest and bring an action*
19 *against the governing body in the superior court to recover any*
20 *money that the governing body refuses to refund. Payments made*
21 *and actions brought under this section shall be made and brought*
22 *in the manner provided for the payment of taxes under protest and*
23 *actions for refund of that payment in Article 2 (commencing with*
24 *Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue*
25 *and Taxation Code, as applicable. In an action brought pursuant*
26 *to this section, the court shall award the prevailing party*
27 *reasonable attorneys' fees, costs of enforcement, and costs of suit.*

28 *(e) Except as otherwise provided in this section, actions by a*
29 *groundwater management agency are subject to judicial review*
30 *pursuant to Chapter 2 (commencing with Section 1084) of Title 1*
31 *of Part 3 of the Code of Civil Procedure.*

32 *10726.8. (a) This part is in addition to, and not a limitation*
33 *on, the authority granted to a local agency under any other law.*
34 *The local agency may use its authority under any other law to*
35 *apply and enforce any requirements of this part, including, but*
36 *not limited to, the collection of fees.*

37 *(b) Except as otherwise prohibited by law, this part authorizes*
38 *a local agency to impose any requirement or impose any penalty*
39 *or fee on the state or any agency, department, or officer of the*
40 *state. Except as otherwise provided by law, state agencies and*

1 *departments shall comply with all groundwater management plans*
2 *to the same extent private parties are required to comply with*
3 *groundwater management plans.*

4
5 *CHAPTER 6. GROUNDWATER MANAGEMENT PLANS*
6

7 *10727. (a) Subject to Chapter 12 (commencing with Section*
8 *10735), a groundwater management plan shall be developed and*
9 *implemented for each medium- and high-priority basin, as*
10 *categorized by the department, that is in a condition of long-term*
11 *overdraft, by a groundwater management agency to meet the*
12 *management goal established pursuant to this part. The*
13 *groundwater management plan may incorporate, extend, or be*
14 *based on a plan adopted pursuant to Part 2.75 (commencing with*
15 *Section 10750).*

16 *(b) A groundwater management plan may be any of the*
17 *following:*

18 *(1) A single plan covering the entire basin developed and*
19 *implemented by one groundwater management agency.*

20 *(2) A single plan covering the entire basin developed and*
21 *implemented by multiple groundwater management agencies.*

22 *(3) Subject to Section 10727.6, multiple plans implemented by*
23 *multiple groundwater management agencies and coordinated*
24 *pursuant to a single coordination agreement that covers the entire*
25 *basin.*

26 *10727.2. A groundwater management plan shall include all of*
27 *the following:*

28 *(a) A description of the physical setting and characteristics of*
29 *the aquifer system underlying the basin that includes the following:*

30 *(1) Historical data, to the extent available.*

31 *(2) Groundwater levels, groundwater quality, and subsidence.*

32 *(3) A general discussion of historical and projected water*
33 *demands and supplies.*

34 *(4) A map that details the area of the basin and the boundaries*
35 *of the groundwater management agencies that overlie the basin*
36 *that have or are developing groundwater management plans.*

37 *(5) A map identifying existing and potential recharge areas for*
38 *the basin. The map or maps shall identify the existing recharge*
39 *areas that substantially contribute to the replenishment of the*
40 *groundwater basin. The map or maps shall be provided to the*

1 appropriate local planning agencies after adoption of the
2 groundwater management plan.

3 (b) (1) Measurable objectives and interim milestones in
4 increments of five years, to achieve the management goal in the
5 basin within 20 years of the implementation of the plan.

6 (2) A description of how the plan helps meet each objective and
7 how each objective is intended to achieve the management goal
8 for the basin for long-term beneficial uses of groundwater.

9 (3) Notwithstanding paragraph (1), at the request of the
10 groundwater management agency, the department may grant an
11 extension of up to 10 years beyond the 20-year management goal
12 timeframe upon a showing of good cause.

13 (c) A planning and implementation horizon of 50 years.

14 (d) Components relating to the following, as applicable to the
15 basin:

16 (1) The monitoring and management of groundwater levels
17 within the basin.

18 (2) The monitoring and management of groundwater quality,
19 groundwater quality degradation, inelastic land surface
20 subsidence, and changes in surface flow and surface water quality
21 that directly affect groundwater levels or quality or are caused by
22 groundwater pumping in the basin.

23 (3) Mitigation of overdraft.

24 (4) How recharge areas identified in the plan substantially
25 contribute to the replenishment of the basin.

26 (5) The relationship between surface water deliveries and the
27 ability to manage the basin.

28 (e) A summary of the type of monitoring sites, type of
29 measurements, and the frequency of monitoring for each location
30 monitoring groundwater levels, groundwater quality, subsidence,
31 precipitation, evaporation, and tidal influence. The plan shall
32 include a summary of monitoring information such as well depth,
33 screened intervals, and aquifer zones monitored, and a summary
34 of the type of well relied on for the information, including public,
35 irrigation, domestic, industrial, and monitoring wells.

36 (f) Monitoring protocols that are necessary to implement the
37 plan.

38 10727.4. In addition to the requirements of Section 10727.2,
39 a groundwater management plan shall include, where appropriate

1 *and in collaboration with the appropriate local agencies, all of*
2 *the following:*

3 (a) *Control of saline water intrusion.*

4 (b) *Wellhead protection areas and recharge areas.*

5 (c) *Migration of contaminated groundwater.*

6 (d) *A well abandonment and well destruction program.*

7 (e) *Replenishment of groundwater extractions.*

8 (f) *Activities implementing, opportunities for, and impediments*
9 *to, conjunctive use.*

10 (g) *Well-construction policies.*

11 (h) *Measures addressing groundwater contamination cleanup,*
12 *recharge, diversions to storage, conservation, water recycling,*
13 *conveyance, and extraction projects.*

14 (i) *Efficient water management practices, as defined in Section*
15 *10902, for the delivery of water and water conservation methods*
16 *to improve the efficiency of water use.*

17 (j) *Efforts to develop relationships with state and federal*
18 *regulatory agencies.*

19 (k) *Processes to review land use plans and efforts to coordinate*
20 *with land use planning agencies to assess activities that potentially*
21 *create risks to groundwater quality or quantity.*

22 (l) *An analysis of the economic impacts of implementation of*
23 *the groundwater management plan.*

24 *10727.6. Groundwater management agencies intending to*
25 *develop and implement multiple groundwater management plans*
26 *pursuant to paragraph (3) of subdivision (b) of Section 10727 shall*
27 *coordinate with other agencies preparing a groundwater*
28 *management plan within the basin to ensure that the plans use the*
29 *same data for the following assumptions in developing the plan:*

30 (a) *Groundwater elevation data.*

31 (b) *Groundwater extraction data.*

32 (c) *Surface water supply.*

33 (d) *Total water use.*

34 (e) *Change in groundwater storage.*

35 (f) *Water accounting.*

36 (g) *Available supply.*

37 *10727.8. Before initiating the development of a groundwater*
38 *management plan, the groundwater management agency shall*
39 *make available to the public and the department a written statement*
40 *describing the manner in which stakeholders may participate in*

1 *the development and implementation of the groundwater*
2 *management plan. The groundwater management agency may*
3 *appoint and consult with an advisory committee consisting of*
4 *stakeholders for purposes of developing and implementing a*
5 *groundwater management plan.*

6 *10728. A groundwater management agency shall certify that*
7 *its plan complies with this part no later than January 31, 2020,*
8 *and every five years thereafter. A groundwater management agency*
9 *shall submit this certification and the plan to the department within*
10 *30 days of the certification.*

11
12 *CHAPTER 7. TECHNICAL ASSISTANCE*
13

14 *10729. (a) The department or a groundwater management*
15 *agency shall provide technical assistance to entities that extract*
16 *or use groundwater to promote water conservation and protect*
17 *groundwater resources.*

18 *(b) The department shall provide technical assistance to any*
19 *groundwater management agency in response to that agency's*
20 *request for assistance in the development and implementation of*
21 *a groundwater management plan.*

22 *(c) The department shall develop advisory best management*
23 *practices for the responsible management of groundwater through*
24 *a public process involving one public meeting conducted at a*
25 *location in northern California, one public meeting conducted at*
26 *a location in the San Joaquin Valley, one public meeting conducted*
27 *at a location in southern California.*

28
29 *CHAPTER 8. FINANCIAL AUTHORITY*
30

31 *10730. (a) A groundwater management agency may impose*
32 *fees to recover the reasonable and proportionate cost of any*
33 *activities or services directly related to the groundwater*
34 *management plan, including, but not limited to, permit fees and*
35 *fees on groundwater extraction or other regulated activity, to fund*
36 *the costs of a groundwater management plan, including, but not*
37 *limited to, preparation, adoption, and amendment of the*
38 *groundwater management plan, and plan administration,*
39 *investigations, operation, inspections, compliance assistance,*
40 *enforcement, and maintenance of prudent reserves to cover these*

1 costs. A groundwater management agency shall not impose a fee
2 pursuant to this subdivision on a de minimis extractor unless the
3 agency has regulated the users pursuant to this part.

4 (b) (1) Prior to imposing or increasing a fee, a groundwater
5 management agency shall hold at least one open and public
6 meeting, at which oral or written presentations may be made as
7 part of the meeting.

8 (2) Notice of the time and place of the meeting shall include a
9 general explanation of the matter to be considered and a statement
10 that the data required by this section is available. The notice shall
11 be provided by publication as provided by Section 6066 of the
12 Government Code, by posting on the agency's Internet Web Site,
13 if any, and by mail at least 14 days before the meeting to any
14 interested party who files a written request with the agency for
15 mailed notice of a meeting on new or increased fees. A written
16 request for mailed notices shall be valid for one year from the date
17 the request is made and may be renewed by making a written
18 request on or before April 1 of each year.

19 (3) At least 10 days before the meeting, the groundwater
20 management agency shall make available to the public data upon
21 which the proposed fee is based.

22 (c) Any action by a groundwater management agency to impose
23 or increase a fee shall be taken only by ordinance or resolution.

24 (d) (1) As an alternative method for the collection of fees
25 imposed pursuant to this section, a groundwater management
26 agency may adopt a resolution requesting collection of the fees in
27 the same manner as ordinary municipal ad valorem taxes.

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

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

37 10730.2. (a) A groundwater management agency that adopts
38 a groundwater management plan pursuant to this part may impose
39 fees on the extraction of groundwater from the basin to fund costs

1 of groundwater management, including, but not limited to, the
2 costs of the following:

3 (1) Administration, operation, and maintenance, and the
4 maintenance of prudent reserves for those purposes.

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

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

8 (4) Other activities necessary to implement the plan.

9 (b) Fees may be implemented pursuant to this chapter for
10 purposes of Part 2.75 (commencing with Section 10750) in
11 accordance with the procedures provided in this section.

12 (c) Fees imposed pursuant to this section may include fixed fees
13 and fees charged on a volumetric basis, including, but not limited
14 to, fees that increase based on the quantity of groundwater
15 produced annually, the year in which the production of
16 groundwater commenced from a groundwater extraction facility,
17 and impacts to the basin. Fees that increase based on the quantity
18 of groundwater produced annually may only be charged for
19 groundwater produced in excess of an owner's right.

20 (d) The power granted by this section is in addition to any
21 powers a groundwater management agency has under any other
22 law.

23 10730.4. A groundwater management agency may fund
24 activities pursuant to Part 2.75 (commencing with Section 10750)
25 and may impose fees pursuant to Section 10730.2 to fund activities
26 undertaken by the agency pursuant to Part 2.75 (commencing with
27 Section 10750).

28 10730.6. (a) A groundwater fee levied pursuant to this chapter
29 shall be due and payable to the groundwater management agency
30 by each owner or operator on a date established by the
31 groundwater management agency.

32 (b) The groundwater management agency may bring a suit in
33 the court having jurisdiction against any owner or operator of a
34 groundwater extraction facility within the area covered by the
35 plan for the collection of any delinquent groundwater fees, interest,
36 or penalties imposed under this chapter. If the groundwater
37 management agency seeks an attachment against the property of
38 any named defendant in the suit, the groundwater management
39 agency shall not be required to furnish a bond or other undertaking
40 as provided in Title 6.5 (commencing with Section 481.010) of

1 *Part 2 of the Code of Civil Procedure. In addition to delinquent*
2 *groundwater fees, interest, and penalties, the court shall award*
3 *the prevailing party reasonable attorney's fees, costs of*
4 *enforcement, and costs of suit.*

5 *(c) In the alternative to bringing a suit pursuant to subdivision*
6 *(b), a groundwater management agency may collect any delinquent*
7 *groundwater charge and any civil penalties and interest on the*
8 *delinquent groundwater charge pursuant to the laws applicable*
9 *to the local agency or, if a joint powers authority, to the entity*
10 *designated pursuant to Section 6509 of the Government Code. The*
11 *collection shall be in the same manner as it would be applicable*
12 *to the collection of delinquent assessments, water charges, or tolls.*

13 *(d) The remedies specified in this section for collecting and*
14 *enforcing fees are cumulative and may be pursued alternatively*
15 *or may be used consecutively as determined by the governing body.*

16 10730.8. *(a) Nothing in this chapter shall affect or interfere*
17 *with the authority of a groundwater management agency to levy*
18 *and collect taxes, assessments, charges, and tolls as otherwise*
19 *provided by law.*

20 *(b) For the purposes of Section 6254.16 of the Government*
21 *Code, persons subject to payment of fees pursuant to this chapter*
22 *are utility customers of a groundwater management agency.*

23 10731. *(a) In addition to the authority granted by Section*
24 *10725.4, a groundwater management agency may cause an*
25 *investigation and report to be made concerning the production of*
26 *groundwater from any groundwater extraction facility that*
27 *includes, but is not limited to, the accuracy of the water-measuring*
28 *device. Following such an investigation, the governing body may*
29 *make a determination fixing the amount of groundwater production*
30 *from the groundwater extraction facility at an amount not to exceed*
31 *the maximum production capacity of the facility for purposes of*
32 *levying a groundwater charge. If a water-measuring device is*
33 *permanently attached to the groundwater extraction facility, the*
34 *record of production as disclosed by the water-measuring device*
35 *shall be presumed to be accurate unless the contrary is established*
36 *by the groundwater management agency after investigation.*

37 *(b) After the governing body makes a determination fixing the*
38 *amount of groundwater production pursuant to subdivision (a), a*
39 *written notice of the determination shall be mailed to the owner*
40 *or operator of the groundwater extraction facility at the address*

1 as shown by the groundwater management agency's records. A
 2 determination made by the governing body shall be conclusive on
 3 the owner or operator and the groundwater charges, based on the
 4 determination together with any interest and penalties, shall be
 5 payable immediately unless within 20 days after the mailing of the
 6 notice the owner or operator files with the governing body a written
 7 protest setting forth the ground for protesting the amount of
 8 production or the groundwater charges, interest, and penalties. If
 9 a protest is filed pursuant to this subdivision, the governing body
 10 shall hold a hearing to determine the total amount of the
 11 groundwater production and the groundwater charges, interest,
 12 and penalties. Notice of the hearing shall be mailed to each
 13 protestant at least 20 days before the date fixed for the hearing.
 14 Notice of the determination of the governing body hearing shall
 15 be mailed to each protestant. The owner or operator shall have
 16 20 days from the date of mailing of the determination to pay the
 17 groundwater charges, interest, and penalties determined by the
 18 governing body.

19
 20 *CHAPTER 9. GROUNDWATER MANAGEMENT AGENCY*
 21 *ENFORCEMENT POWERS*
 22

23 10732. (a) (1) A person who extracts groundwater in excess
 24 of the amount that person is authorized to extract under a rule,
 25 right, regulation, ordinance, or resolution adopted pursuant to
 26 Section 10725.2, shall be subject to a civil penalty not to exceed
 27 two hundred-fifty dollars (\$250) for each acre-foot of water
 28 extracted in excess of the amount that person is authorized to
 29 extract, to be set from time to time by the groundwater management
 30 agency in an amount the agency determines to be sufficient to deter
 31 unauthorized extractions. Liability under this subdivision is in
 32 addition to any liability imposed under paragraph (2) and any fee
 33 imposed for the extraction. In no event may penalties be imposed
 34 for groundwater extractions if the amount extracted is within the
 35 owner's right.

36 (2) A person who violates any rule, regulation, ordinance, or
 37 resolution adopted pursuant to Section 10725.2 shall be liable for
 38 a civil penalty not to exceed one thousand dollars (\$1,000) plus
 39 one hundred dollars (\$100) for each additional day on which the

1 violation continues if the person fails to comply within 30 days
2 after the local agency has notified the person of the violation.

3 (b) (1) A groundwater management agency may bring an action
4 in the superior court to determine whether a violation occurred
5 and to impose a civil penalty described in subdivision (a).

6 (2) In determining the amount of the penalty, the superior court
7 or the groundwater management agency shall take into
8 consideration all relevant circumstances, including, but not limited
9 to, the nature and persistence of the violation, the extent of the
10 harm caused by the violation, the length of time over which the
11 violation occurs, and any corrective action taken by the violator.

12 (c) A penalty imposed pursuant to this section shall be paid to
13 the groundwater management agency and shall be expended solely
14 for purposes of this part.

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

17

18 *CHAPTER 10. STATE EVALUATION AND ASSESSMENT*

19

20 10733. (a) The department may periodically review the
21 groundwater management plans developed by groundwater
22 management agencies pursuant to this part to evaluate whether a
23 plan conforms with Sections 10727.2 and 10727.4 and is likely to
24 achieve the management goal for the basin covered by the
25 groundwater management plan.

26 (b) If a groundwater management agency develops multiple
27 groundwater management plans for a basin, the department may
28 evaluate whether the plans conform with Sections 10727.2,
29 10727.4, and 10727.6 and are together likely to achieve the
30 management goal for the basin covered by the groundwater
31 management plans.

32 10733.2. (a) By June 1, 2016, the department shall develop
33 regulations for evaluating groundwater management plans
34 pursuant to this chapter.

35 (b) The regulations shall identify the necessary plan components
36 specified in Sections 10727.2 and 10727.4 and other information
37 that will assist local agencies in developing and implementing
38 groundwater management plans.

1 (c) *The department may update the regulations, including to*
2 *incorporate the best management practices identified pursuant to*
3 *Section 10729.*

4 10733.4. (a) *Upon completion and certification of a*
5 *groundwater management plan, a groundwater management*
6 *agency shall submit the groundwater management plan to the*
7 *department for review pursuant to this chapter.*

8 (b) *The department may evaluate the groundwater management*
9 *plan and issue an assessment of the plan. The assessment may*
10 *include recommended corrective actions to address any*
11 *deficiencies identified by the department.*

12 (c) *If the department determines a plan is out of compliance, a*
13 *local agency or groundwater management agency shall have 180*
14 *days to remedy the deficiency. The department may appoint a*
15 *mediator or other facilitator, after consulting with affected local*
16 *agencies, to assist in resolving disputes, and identifying and*
17 *implementing actions that will remedy the deficiency.*

18 (d) *After the 180-day period provided by subdivision (c), the*
19 *department may provide additional time to remedy the deficiency*
20 *if it finds that a local agency is making substantial progress toward*
21 *remediating the deficiency.*

22 10733.6. (a) *If there is not a groundwater management plan*
23 *for a basin, but a local agency believes that an alternative plan,*
24 *such as a plan developed pursuant to Part 2.75 (commencing with*
25 *Section 10750), satisfies the objectives of this part, the local agency*
26 *may submit the alternative plan to the department for evaluation.*
27 *In evaluating an alternative plan, the department shall, to the*
28 *extent feasible, use the regulations developed pursuant to Section*
29 *10733.2.*

30 (b) *A basin subject to a final judicial order in an adjudication*
31 *action, shall be in compliance with this part if, no later than*
32 *January 31, 2020, and every five years thereafter, the following*
33 *documents are submitted to the department:*

34 (1) *A copy of the governing final judgment or other judicial*
35 *order or decree. However, that judgment, order, or decree need*
36 *not be resubmitted unless it has been amended since its prior*
37 *submission.*

38 (2) *A report or reports required by the judgment or other*
39 *judicial order or decree to be submitted to the court or the*

1 *watermaster appointed by the court for the basin since the prior*
 2 *submission of the report or reports.*

3

4 *CHAPTER 11. EXPEDITED ADJUDICATION ACTION*

5

6 *10734. (a) The Legislature finds and declares all of the*
 7 *following:*

8 *(1) Efficient resolution of conflicts concerning rights to use and*
 9 *manage groundwater will promote achievement of the management*
 10 *goal and the beneficial use of groundwater consistent with Section*
 11 *2 of Article X of the California Constitution and the state water*
 12 *policies described in Chapter 1 (commencing with Section 100)*
 13 *of Division 1.*

14 *(2) In light of the scope and complexities of adjudication actions,*
 15 *the state's welfare is promoted by the development of specific legal*
 16 *procedures to effectively and expeditiously process adjudication*
 17 *actions to implement the management goal when a basin is not*
 18 *served by one or more groundwater management agencies, or a*
 19 *groundwater management plan is not timely adopted or effectively*
 20 *implemented.*

21 *(3) Negotiation and compromise among stakeholders in a basin*
 22 *to resolve conflicts about the use and management of groundwater*
 23 *should be encouraged in order to expedite the achievement of the*
 24 *management goal in the basin.*

25 *(b) It is the intent of the Legislature to develop procedures to*
 26 *provide a more streamlined and expeditious groundwater*
 27 *adjudication process while fully respecting established principles*
 28 *of water rights law and providing participants with appropriate*
 29 *due process.*

30

31 *CHAPTER 12. STATE INTERVENTION*

32

33 *10735. As used in this chapter, the following terms have the*
 34 *following meanings:*

35 *(a) "Person" means any person, firm, association, organization,*
 36 *partnership, business, trust, corporation, limited liability company,*
 37 *or public agency, including any city, county, city and county,*
 38 *district, joint powers authority, state, or any agency or department*
 39 *of those entities. "Person" includes, to the extent authorized by*
 40 *federal law, the United States, a department, agency or*

1 *instrumentality of the federal government, an Indian tribe, an*
2 *authorized Indian tribal organization, or interstate body.*

3 *(b) “Probationary basin” means a basin for which the board*
4 *has issued a determination under this chapter.*

5 *10735.2. The board, after notice and a public hearing, may*
6 *designate a basin designated as high- or medium-priority by the*
7 *department and that is in a condition of long-term overdraft as a*
8 *probationary basin, if the board finds one or more of the following*
9 *applies to the basin:*

10 *(a) After January 1, 2018, none of the following have occurred:*

11 *(1) No local agency has elected to be a groundwater*
12 *management agency that intends to develop a groundwater*
13 *management plan for the entire basin.*

14 *(2) No collection of local agencies has formed a groundwater*
15 *management agency or prepared agreements to develop one or*
16 *more groundwater management plans that will collectively serve*
17 *as a groundwater management plan for the entire basin.*

18 *(3) There is no plan developed pursuant to Part 2.75*
19 *(commencing with Section 10750) that satisfies the objectives of*
20 *this part.*

21 *(4) There is no report approved by a groundwater agency that*
22 *shows that current management or operations activities have been*
23 *consistent with the available supply of the basin over a period of*
24 *at least 10 years, as described in paragraph (2) of subdivision (b)*
25 *of Section 10733.6.*

26 *(b) After January 31, 2020, none of the following have occurred:*

27 *(1) No groundwater management agency has adopted a*
28 *groundwater management plan for the entire basin.*

29 *(2) No collection of local agencies have adopted groundwater*
30 *management plans that collectively serve as a groundwater*
31 *management plan for the entire basin.*

32 *(3) The department has not determined that a local agency has*
33 *complied with Section 10733.6.*

34 *(4) There is no report approved by a groundwater agency that*
35 *shows that current management or operations activities have been*
36 *consistent with the available supply of the basin over a period of*
37 *at least 10 years, as described in paragraph (2) of subdivision (b)*
38 *of Section 10733.6.*

39 *(5) The department determines that a groundwater management*
40 *plan is deficient pursuant to Section 10733.4.*

1 10735.4. (a) If the board designates a basin as a probationary
2 basin pursuant to subdivision (a) or (b) of Section 10735.2, a local
3 agency or groundwater management agency shall have 180 days
4 to correct the deficiency. The board may appoint a mediator or
5 other facilitator, after consultation with affected local agencies,
6 to assist in resolving disputes, and identifying and implementing
7 actions that will correct the deficiency.

8 (b) After the 180-day period provided by subdivision (a), the
9 board may provide additional time to correct the deficiency if it
10 finds that a local agency is making substantial progress toward
11 correcting the deficiency.

12 10735.6. If the board designates a basin as a probationary
13 basin pursuant to paragraph (3) of Section 10735.2, the board
14 shall identify the specific deficiencies and identify potential actions
15 to address the deficiencies. The board may request the department
16 to provide local agencies, within 90 days of the designation of a
17 probationary basis, with technical recommendations to correct
18 the deficiencies.

19 10735.8. After the time periods specified in Section 10735.4
20 have expired the board may do either of the following:

21 (a) Initiate an adjudication action to determine the rights to
22 extract groundwater from the basin or store water within the basin
23 pursuant to Section 10736.

24 (b) Prepare an interim plan pursuant to Section 10735.10, in
25 which case the board shall provide no less than 90 days notice to
26 the groundwater management agency or agencies, the county, and,
27 by publication, landowners, groundwater rights holders, and
28 groundwater users in the probationary basin of its intent. After
29 the notice is provided, the groundwater management agency or
30 agencies, the county, landowners, groundwater rights holders, or
31 groundwater users may initiate an adjudication action before the
32 board finishes preparing the interim plan and, if an adjudication
33 action is initiated, the board shall not prepare, or cease its
34 preparation of, an interim plan.

35 10735.10. (a) An interim plan for a probationary basin adopted
36 pursuant to subdivision (b) of Section 10735.8 shall include all of
37 the following:

38 (1) Identification of the actions that are necessary to correct a
39 condition of long-term overdraft.

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

- 1 (3) A description of the monitoring to be undertaken to
2 determine effectiveness of the plan.
- 3 (b) The interim plan may include the following:
- 4 (1) Restrictions on groundwater pumping or extraction.
- 5 (2) A physical solution.
- 6 (c) The interim plan shall be consistent with groundwater rights
7 and water rights priorities.
- 8 (d) An interim plan may be adopted, amended, or rescinded
9 after notice and a public hearing.
- 10 (e) In carrying out activities that may affect the probationary
11 basin, state entities shall comply with an interim plan adopted by
12 the board pursuant to this section unless otherwise directed or
13 authorized by statute and the state entity shall indicate to the board
14 in writing the authority for not complying with the interim plan.
- 15 (f) (1) After the board adopts an interim plan pursuant to this
16 section, one or more groundwater management agency or agencies
17 for the probationary basin may adopt one or more groundwater
18 management plan or plans in accordance with this part. Upon
19 adoption of one or more groundwater management plan or plans
20 and upon petition of one or more of the groundwater management
21 agencies that have adopted a groundwater management plan for
22 the probationary basin or a portion of the probationary basin, the
23 board shall determine if the groundwater management plan or
24 plans subsequently adopted are adequate to eliminate the condition
25 of long-term overdraft.
- 26 (2) The board shall act on a petition filed pursuant to paragraph
27 (1) within 90 days after the petition is submitted. If the board
28 determines that the groundwater management plan or plans are
29 adequate, the board shall rescind the interim plan adopted by the
30 board for the probationary basin, except as provided in paragraphs
31 (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 management plan will be implemented.

1 (5) *Upon the entry of a final judgment in an adjudication action*
2 *for a probationary basin for which an interim plan has been*
3 *adopted by the board, the interim plan shall be of no further force*
4 *or effect.*

5 10736. *Adjudication actions may be initiated as follows:*

6 (a) *By a groundwater management agency for a basin that it*
7 *was a groundwater management agency for before January 31,*
8 *2020, if a groundwater management plan has not been adopted*
9 *before the initiation of the adjudication action and only after the*
10 *groundwater management agency finds that an adjudication action*
11 *is the most efficient means of achieving responsible groundwater*
12 *management in the basin.*

13 (b) *By the board for the basin if it and the department, as*
14 *applicable, make all of the findings described in subdivisions (a)*
15 *and (b) of Section 10735.2.*

16 (c) *By landowners, groundwater rights holder, or groundwater*
17 *users in the basin.*

18 10736.2. *The board or the department shall not be a party to*
19 *an adjudication action following initiation of an adjudication*
20 *action, except that the board may intervene for the sole purpose*
21 *of proposing and requesting the imposition of an interim plan or*
22 *order to prevent a condition of long-term overdraft pending the*
23 *outcome of the adjudication action. An interim plan or order shall*
24 *be of no further force or effect upon the completion of the*
25 *adjudication action.*

26 10736.4. *A groundwater management agency for a basin may*
27 *intervene as a matter of right in an adjudication action for the*
28 *basin.*

29 10736.6. (a) *Except as provided in subdivision (b), the final*
30 *order issued in an adjudication action shall provide for all of the*
31 *following:*

32 (1) *A determination of the respective rights of the groundwater*
33 *rights holders in the basin to extract or store water from, or in,*
34 *the basin.*

35 (2) *The appointment of a watermaster that may be an individual*
36 *or a local agency, including a groundwater management agency,*
37 *to implement and oversee the order.*

38 (3) *The retention of jurisdiction by the court to resolve disputes*
39 *arising from the adjudication order.*

1 (b) If stipulated by parties representing at least 50 percent of
2 the land in the basin and all groundwater management agencies
3 established before initiation of the adjudication action, the final
4 order may instead impose a groundwater management plan
5 consistent with this part to be administered by an appointed
6 watermaster that may be an individual or a local agency, including
7 a groundwater management agency, or by the groundwater
8 management agencies established for the basin or a subbasin, as
9 determined by the court.

10 (c) An adjudication action shall be conducted to encourage the
11 development of a negotiated order that can be adopted as the final
12 adjudication order of the court, consistent with the parties' water
13 rights.

14 (d) All costs of an adjudication action shall be borne by the
15 parties incurring them and the final order shall not apportion or
16 award the costs of any party.

17 (e) In conducting an investigation or proceeding pursuant to
18 this part, the board may inspect the property or facilities of a
19 person to ascertain whether the purposes of this part are being
20 met and to ascertain compliance with this part only after obtaining
21 an inspection warrant pursuant to the procedures set forth in Title
22 13 (commencing with Section 1822.50) of Part 3 of the Code of
23 Civil Procedure.

24 SEC. 9. Section 10750.1 is added to the Water Code, to read:

25 10750.1. (a) A plan adopted before January 1, 2015, shall
26 remain in effect and may be amended pursuant to this part until
27 a groundwater management plan is adopted pursuant to Part 2.74
28 (commencing with Section 10720).

29 (b) This section does not apply to high- or medium-priority
30 basins that are not in a condition of long term overdraft and low-
31 or very low priority basins as categorized for the purposes of Part
32 2.74 (commencing with Section 10720).

33 SEC. 10. Section 10927 of the Water Code is amended to read:

34 10927. Any of the following entities may assume responsibility
35 for monitoring and reporting groundwater elevations in all or a
36 part of a basin or subbasin in accordance with this part:

37 (a) A watermaster or water management engineer appointed by
38 a court or pursuant to statute to administer a final judgment
39 determining rights to groundwater.

1 (b) (1) A groundwater management agency with statutory
2 authority to manage groundwater pursuant to its principal act that
3 is monitoring groundwater elevations in all or a part of a
4 groundwater basin or subbasin on or before January 1, ~~2010~~ 2015.

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

9 (3) *A groundwater management agency with statutory authority*
10 *to manage groundwater pursuant to Part 2.74 (commencing with*
11 *Section 10720).*

12 (c) A local agency that is managing all or part of a groundwater
13 basin or subbasin pursuant to Part 2.75 (commencing with Section
14 10750) and that was monitoring groundwater elevations in all or
15 a part of a groundwater basin or subbasin on or before January 1,
16 ~~2010~~, 2015, or a local agency or county that is managing all or
17 part of a groundwater basin or subbasin pursuant to any other
18 legally enforceable groundwater management plan with provisions
19 that are substantively similar to those described in that part and
20 that was monitoring groundwater elevations in all or a part of a
21 groundwater basin or subbasin on or before January 1, ~~2010~~ 2015.

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

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

38 (f) A county that is not managing all or a part of a groundwater
39 basin or subbasin pursuant to a legally enforceable groundwater

1 management plan with provisions that are substantively similar to
2 those described in Part 2.75 (commencing with Section 10750).

3 (g) A voluntary cooperative groundwater monitoring association
4 formed pursuant to Section 10935.

5 *SEC. 11. Section 12924 of the Water Code is amended to read:*

6 12924. (a) The department, in conjunction with other public
7 agencies, shall conduct an investigation of the state's groundwater
8 basins. The department shall identify the state's groundwater basins
9 on the basis of geological and hydrological conditions and
10 consideration of political boundary lines whenever practical. The
11 department shall also investigate existing general patterns of
12 groundwater pumping and groundwater recharge within those
13 basins to the extent necessary to identify basins *where information*
14 *indicates a condition of long-term overdraft and basins that are*
15 *subject to critical conditions of overdraft.*

16 (b) ~~The department shall report~~ *may revise the boundaries of*
17 *groundwater basins identified in subdivision (a) based on its*
18 ~~findings to the Governor and the Legislature~~ *not own investigations*
19 *or information provided by others no later than January 1, 2012*
20 *2015, and thereafter in years ending in 5 or 0.*

21 *SEC. 12. 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. 13. No reimbursement is required by this act pursuant*
26 *to Section 6 of Article XIII B of the California Constitution for*
27 *certain costs that may be incurred by a local agency or school*
28 *district because, in that regard, this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*

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

39 *SEC. 14. The Legislature finds and declares that Section 8 of*
40 *this act, which adds Section 10725.6 to the Water Code, imposes*

1 *a limitation on the public's right of access to the meetings of public*
2 *bodies or the writings of public officials and agencies within the*
3 *meaning of Section 3 of Article I of the California Constitution.*
4 *Pursuant to that constitutional provision, the Legislature makes*
5 *the following findings to demonstrate the interest protected by this*
6 *limitation and the need for protecting that interest:*

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

11 SECTION 1. Section 21608.6 of the Business and Professions
12 Code is amended to read:

13 ~~21608.6. (a) A junk dealer or recycler, as defined in~~
14 ~~subdivision (g), in this state shall not provide payment for~~
15 ~~newspaper, as defined in Section 538c of the Penal Code, or for~~
16 ~~California Redemption Value (CRV) containers unless, in addition~~
17 ~~to meeting the written record requirements of Sections 21605 and~~
18 ~~21606, all of the following requirements are met:~~

19 ~~(1) The payment for the newspaper or for the CRV containers~~
20 ~~is made by check or by other electronic transfer from the junk~~
21 ~~dealer or recycler to the seller. A recycler, if authorized by~~
22 ~~regulations adopted pursuant to Division 12.1 (commencing with~~
23 ~~Section 14500) of the Public Resources Code, may provide~~
24 ~~payment for CRV containers through a voucher that is immediately~~
25 ~~redeemable for cash.~~

26 ~~(2) The junk dealer or recycler obtains and records a valid,~~
27 ~~documented address for the seller by obtaining a copy of the valid~~
28 ~~driver's license of the seller containing a photograph and an address~~
29 ~~of the seller, or a copy of a state or federal government-issued~~
30 ~~identification card containing a photograph and an address of the~~
31 ~~seller, a passport from any other country in addition to another~~
32 ~~item of identification bearing an address of the seller, or a Matricula~~
33 ~~Consular in addition to another item of identification bearing an~~
34 ~~address of the seller, or other valid identification containing the~~
35 ~~seller's address, such as utility bills in the seller's name. The junk~~
36 ~~dealer or recycler shall preserve the photograph and the address~~
37 ~~or the copies obtained pursuant to this paragraph for a period of~~
38 ~~two years after the date of sale.~~

39 ~~(b) The requirements of paragraph (1) of subdivision (a) shall~~
40 ~~not apply if, during any three-month period commencing on or~~

1 after the effective date of this section, the junk dealer or recycler
2 completes five or more separate transactions per month with the
3 seller, and in order for the requirements of paragraph (1) of
4 subdivision (a) to continue to be inapplicable, the seller must
5 continue to complete five or more separate transactions per month
6 with the junk dealer or recycler.

7 (e) This section shall not apply if, on the date of sale, the junk
8 dealer or recycler has on file or receives all of the following
9 information:

10 (1) The name, physical business address, and business telephone
11 number of the seller's business.

12 (2) The business license number or tax identification number
13 of the seller's business.

14 (3) A copy of the valid driver's license or a copy of a state or
15 federal government-issued identification card containing a
16 photograph and an address of the person delivering newspaper or
17 CRV containers on behalf of the seller to the junk dealer or the
18 recycler.

19 (d) Any unauthorized disclosure of personal identification
20 information collected from a seller by a junk dealer or recycler is
21 prohibited, and any violation of this prohibition is subject to a civil
22 fine not to exceed five thousand dollars (\$5,000).

23 (e) This section shall not apply to the payment for newspaper
24 having a value of fifty dollars (\$50) or less in a single transaction
25 or CRV containers having a value of one hundred dollars (\$100)
26 or less in a single transaction.

27 (f) This section shall only apply in jurisdictions that offer
28 curbside pickup of materials that include newspaper and CRV
29 containers.

30 (g) Notwithstanding Section 21605, for purposes of this section,
31 "recycler" means any processor, recycling center, or noncertified
32 recycler, as those terms are defined in Chapter 2 (commencing
33 with Section 14502) of Division 12.1 of the Public Resources
34 Code.

35 SEC. 2. Section 21626.5 of the Business and Professions Code
36 is amended to read:

37 21626.5. "Secondhand dealer," as used in this article, does not
38 include any of the following:

39 (a) Any person who performs the services of an auctioneer for
40 a fee or salary.

- 1 ~~(b) Any person whose business is limited to the reconditioning~~
- 2 ~~and selling of major household appliances, provided all the~~
- 3 ~~following conditions are met:~~
- 4 ~~(1) The person does not trade, take in pawn, accept for drop-off,~~
- 5 ~~accept as a trade-in, accept for sale on consignment, accept for~~
- 6 ~~auction, auction, or buy, except in bulk, the appliances.~~
- 7 ~~(2) The person does not perform repair services for owners of~~
- 8 ~~appliances unless the appliance was purchased from the person.~~
- 9 ~~(3) The person has never been convicted of the crime of~~
- 10 ~~attempting to receive or receiving stolen property or any other~~
- 11 ~~theft-related crime.~~
- 12 ~~(c) A junk dealer, as defined in Section 21601.~~
- 13 ~~SEC. 3. The amendment of Section 21626.5 of the Business~~
- 14 ~~and Professions Code made by this act does not constitute a change~~
- 15 ~~in, but is declaratory of, existing law.~~