

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1168

Introduced by Senator Pavley

(Principal coauthor: Assembly Member Dickinson)

February 20, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections ~~10927 and 10933~~ of, to add Sections ~~113 and 10750.11~~ to, *1120, 1831, 10927, 10933, and 12924* of, to add Sections *113, 1529.5, and 10750.1* to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

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

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater

management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

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

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

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

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

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans of a groundwater sustainability agency, with specified exceptions. This bill would require

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

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

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

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon completion. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide

that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.

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

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

Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the board's water rights program.

This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions.

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

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of the above-described provisions.

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

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

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

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

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

(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

(7) 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 requires the Department of Water Resources to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and prioritize groundwater basins and subbasins.~~

~~This bill would require the department, pursuant to these provisions, to categorize each basin and subbasin as either high priority, medium priority, low priority, or very low priority. The bill would require the Department of Fish and Wildlife, in collaboration with the department, to identify those basins and subbasins where species and ecosystems are vulnerable to existing or future groundwater conditions.~~

~~Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement~~

~~a groundwater management plan that includes basin management objectives for the groundwater basin.~~

~~This bill would prohibit a groundwater management plan from being adopted, or an existing groundwater management plan from being renewed, under these provisions, on or after January 1, 2015. The bill would instead enact the Sustainable Groundwater Management Act, and would state as the intent of the Legislature to, among other things, provide local groundwater agencies with the authority and assistance necessary to sustainably manage groundwater. The bill would authorize a local agency or agencies to form a groundwater management agency and to develop a sustainable groundwater management plan, defined as a document that describes the activities intended to be included in a groundwater management program, to be developed and adopted to encompass an entire basin or subbasin. The bill would also authorize a groundwater management agency to, among other things, establish and collect fees for the management of groundwater and establish a system for allocating groundwater. The bill would require a groundwater management agency to be formed and managed so that the interests of all beneficial uses and users of groundwater are considered and would require a sustainable groundwater management plan to meet certain criteria, including provisions relating to the monitoring and management of groundwater levels within the groundwater basin, mitigating or avoiding conditions of overdraft, and controlling saline water intrusion, if relevant.~~

~~The bill would require, for basins and subbasins that have been identified by the department as high priority or medium priority, that a groundwater management plan be completed and submitted to the department by January 1, 2020, and be designed to achieve sustainable groundwater management within 20 years of the plan's adoption. The bill would require the department, in consultation with the board, to establish a process for the certification of groundwater management plans that existed before January 1, 2015, if those plans substantially meet the purposes and goals of this measure.~~

~~This bill would require the groundwater management agency to prepare and provide notice to the public of an annual report, which would include a summary of the agency's characterization of the basin, water budget, sustainable yield, and status of the groundwater management plan development and implementation. The bill would authorize the state to take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented, and~~

would require that the state make all reasonable efforts to transfer management of a groundwater basin back to local agencies. The bill would require the department to provide technical assistance to groundwater management agencies, including developing best management practices and guidelines to assist groundwater agencies in the development and implementation of sustainable groundwater management plans and reporting on statewide groundwater basin characterization.

The Planning and Zoning Law requires the legislative body of a city or county to adopt a general plan that consists of various elements, including a land use element, a conservation element, and an open-space element. Existing law requires, prior to action by a legislative body to adopt or substantially amend a general plan, that the planning agency refer the proposed action to specified state, local, and federal agencies.

This bill would require that the plan also be referred to a groundwater management agency or local agency that has adopted a groundwater management plan, or the State Water Resources Control Board if it has adopted a groundwater management plan, that includes territory within the planning area of the proposed general plan. The bill would require the local agency or the State Water Resources Control Board, upon receiving notice of the proposed action to adopt or substantially amend the general plan, to provide the planning agency with certain information relating to groundwater. The bill would also require the planning agency, before adoption or substantial amendment to the general plan, to review and revise its land use, conservation, and open-space element to address groundwater management plans and any limitations on groundwater pumping imposed by a groundwater management agency. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 *SECTION 1. (a) The Legislature finds and declares as follows:*

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

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

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

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

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

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

24 *(7) Groundwater management will not be effective unless local*
25 *actions to sustainably manage groundwater basins and subbasins*
26 *are taken.*

27 *(8) Local and regional agencies need to have the necessary*
28 *support and authority to manage groundwater sustainably.*

29 *(9) In those circumstances where a local groundwater*
30 *management agency is not managing its groundwater sustainably,*
31 *the state needs to protect the resource until it is determined that*
32 *a local groundwater management agency can sustainably manage*
33 *the groundwater basin or subbasin.*

34 *(10) Information on the amount of groundwater extraction,*
35 *natural and artificial recharge, and groundwater evaluations are*
36 *critical for effective management of groundwater.*

37 *(11) Sustainable groundwater management in California*
38 *depends upon creating more opportunities for robust conjunctive*

1 management of surface water resources. Climate change will
2 intensify the need to recalibrate and reconcile surface and
3 groundwater management strategies.

4 (b) It is therefore the intent of the Legislature to do all of the
5 following:

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

8 (2) To provide that if no local groundwater agency or agencies
9 provide sustainable groundwater management for a groundwater
10 basin or subbasin, the state has the authority to develop and
11 implement a groundwater sustainability plan until the time the
12 local groundwater management agency or agencies can assume
13 management of the basin or subbasin.

14 (3) To require the development and reporting of those data
15 necessary to support sustainable groundwater management,
16 including those data that help describe the basin's geology, the
17 short- and long-term trends of the basin's water balance, and other
18 measures of sustainability, and those data necessary to resolve
19 disputes regarding sustainable yield, beneficial uses, and water
20 rights.

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

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

25 65350.5. Before the adoption or any substantial amendment
26 of a city's or county's general plan, the planning agency shall
27 review and consider all of the following:

28 (a) An adoption of, or update to, a groundwater sustainability
29 plan or groundwater management plan pursuant to Part 2.74
30 (commencing with Section 10720) or Part 2.75 (commencing with
31 Section 10750) of Division 6 of the Water Code or groundwater
32 management court order, judgment, or decree.

33 (b) An adjudication of water rights.

34 (c) An order by the State Water Resources Control Board
35 pursuant to Chapter 11 (commencing with Section 10735) of Part
36 2.74 of Division 6 of the Water Code.

37 SEC. 3. Section 65352 of the Government Code is amended to
38 read:

39 65352. (a) ~~Prior to action by~~ Before a legislative body takes
40 action to adopt or substantially amend a general plan, the planning

1 agency shall refer the proposed action to all of the following
2 entities:

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

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

8 (3) The local agency formation commission.

9 (4) An areawide planning agency whose operations may be
10 significantly affected by the proposed action, as determined by the
11 planning agency.

12 (5) A federal ~~agency~~ *agency*, if its operations or lands within
13 its jurisdiction may be significantly affected by the proposed action,
14 as determined by the planning agency.

15 (6) (A) The branches of the United States Armed Forces that
16 have provided the Office of Planning and Research with a
17 California mailing address pursuant to subdivision (d) of Section
18 ~~65944~~ ~~when 65944~~, if the proposed action is within 1,000 feet of
19 a military installation, or lies within special use airspace, or beneath
20 a low-level flight path, as defined in Section 21098 of the Public
21 Resources Code, ~~provided that~~ *and if* the United States Department
22 of Defense provides electronic maps of low-level flight paths,
23 special use airspace, and military installations at a scale and in an
24 electronic format that is acceptable to the Office of Planning and
25 Research.

26 (B) Within 30 days of a determination by the Office of Planning
27 and Research that the information provided by the Department of
28 Defense is sufficient and in an acceptable scale and format, the
29 office shall notify cities, counties, and cities and counties of the
30 availability of the information on the Internet. Cities, counties, and
31 cities and counties shall comply with subparagraph (A) within 30
32 days of receiving this notice from the office.

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

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

7 (9) The State Water Resources Control Board, if it has adopted
 8 an interim plan pursuant to Part 2.74 (commencing with Section
 9 10720) of Division 6 of the Water Code that includes territory
 10 within the planning area of the proposed general plan.

11 ~~(8)~~

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

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

15 (11) A California Native American tribe, that is on the contact
 16 list maintained by the Native American Heritage Commission,
 17 with Commission and that has traditional lands located within the
 18 city city’s or county’s jurisdiction.

19 ~~(10)~~

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

24 (b) ~~Each~~An entity receiving a proposed general plan or
 25 amendment of a general plan pursuant to this section shall have
 26 45 days from the date the referring agency mails it or delivers it
 27 in which to comment unless a longer period is specified by the
 28 planning agency.

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

32 (2) To the extent that the requirements of this section conflict
 33 with the requirements of Chapter 4.4 (commencing with Section
 34 65919), the requirements of Chapter 4.4 shall prevail.

35 SEC. 4. Section 65352.5 of the Government Code is amended
 36 to read:

37 65352.5. (a) The Legislature finds and declares that it is vital
 38 that there be close coordination and consultation between
 39 California’s water supply or management agencies and California’s
 40 land use approval agencies to ensure that proper water supply and

1 *management* planning occurs ~~in order~~ to accommodate projects
2 that will result in increased demands on water supplies *or impact*
3 *water resource management*.

4 (b) It is, therefore, the intent of the Legislature to provide a
5 standardized process for determining the adequacy of existing and
6 planned future water supplies to meet existing and planned future
7 demands on these water supplies *and the impact of land use*
8 *decisions on the management of California's water supply*
9 *resources*.

10 (c) Upon receiving, pursuant to Section 65352, notification of
11 a city's or a county's proposed action to adopt or substantially
12 amend a general plan, a public water system, as defined in Section
13 116275 of the Health and Safety Code, with 3,000 or more service
14 connections, shall provide the planning agency with the following
15 information, as is appropriate and relevant:

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

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

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

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

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

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

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

36 (A) Agricultural users.

37 (B) Commercial users.

38 (C) Industrial users.

39 (D) Residential users.

1 (8) Quantification of the expected reduction in total water
2 demand, identified by each customer category set forth in paragraph
3 (7), associated with future implementation of water use reduction
4 measures identified in the water supplier’s urban water
5 management plan.

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

9 (10) *A report on the anticipated effect of proposed action to*
10 *adopt or substantially amend a general plan on implementation*
11 *of a groundwater sustainability plan pursuant to Part 2.74*
12 *(commencing with Section 10720) of Division 6 of the Water Code.*

13 (d) *Upon receiving, pursuant to Section 65352, notification of*
14 *a city’s or a county’s proposed action to adopt or substantially*
15 *amend a general plan, a groundwater sustainability agency, as*
16 *defined in Section 10720.5 of the Water Code, shall provide the*
17 *planning agency with the following information, as is appropriate*
18 *and relevant:*

19 (1) *The current version of its groundwater sustainability plan*
20 *adopted pursuant to Part 2.74 (commencing with Section 10720)*
21 *of Division 6 of the Water Code.*

22 (2) *If the groundwater sustainability agency manages*
23 *groundwater pursuant to a court order, judgment, decree, or*
24 *agreement among affected water rights holders, or if the State*
25 *Water Resources Control Board has adopted a groundwater*
26 *sustainability plan pursuant to Part 2.74 (commencing with Section*
27 *10720) of Division 6 of the Water Code, the groundwater*
28 *sustainability agency shall provide the planning agency with maps*
29 *of recharge basins and percolation ponds, extraction limitations,*
30 *and other relevant information, or the court order, judgment, or*
31 *decree.*

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

33 113. *It is the policy of the state that groundwater resources be*
34 *managed sustainably for long-term water supply reliability and*
35 *multiple economic, social, or environmental benefits for current*
36 *and future beneficial uses. Sustainable groundwater management*
37 *is best achieved locally through the development, implementation,*
38 *and updating of plans and programs based on the best available*
39 *science.*

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

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

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

8 *1529.5. (a) The board shall adopt a schedule of fees pursuant*
9 *to Section 1530 to recover costs incurred in administering Chapter*
10 *11 (commencing with Section 10735) of Part 2.74 of Division 6.*
11 *Recoverable costs include, but are not limited to, costs incurred*
12 *in connection with investigations, facilitation, monitoring, hearings,*
13 *enforcement, and administrative costs in carrying out these actions.*

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

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

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

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

31 *SEC. 8. Section 1831 of the Water Code is amended to read:*

32 *1831. (a) When the board determines that any person is*
33 *violating, or threatening to violate, any requirement described in*
34 *subdivision (d), the board may issue an order to that person to*
35 *cease and desist from that violation.*

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

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

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

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

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

7 (3) Any decision or order of the board issued under this part,
8 Section 275, Chapter 11 (commencing with Section 10735) of Part
9 2.74 of Division 6, or Article 7 (commencing with Section 13550)
10 of Chapter 7 of Division 7, in which decision or order the person
11 to whom the cease and desist order will be issued, or a predecessor
12 in interest to that person, was named as a party directly affected
13 by the decision or order.

14 (4) A regulation adopted under Section 1058.5.

15 (5) Any pumping restriction, limitation, order, or regulation
16 adopted or issued under Chapter 11 (commencing with Section
17 10735) of Part 2.74 of Division 6.

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

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

23

24 PART 5.2. GROUNDWATER EXTRACTION REPORTING FOR
25 PROBATIONARY BASINS AND BASINS WITHOUT A
26 GROUNDWATER SUSTAINABILITY AGENCY

27

28 5200. It is the intent of the Legislature to subsequently amend
29 this measure to adopt extraction reporting requirements for basins
30 identified as probationary basins pursuant to Section 10735.2, or
31 as authorized by subdivision (b) of Section 10724, for basins
32 without a groundwater sustainability agency.

33 SEC. 10. Part 2.74 (commencing with Section 10720) is added
34 to Division 6 of the Water Code, to read:

1 PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT

2
3 CHAPTER 1. GENERAL PROVISIONS

4
5 10720. This part shall be known, and may be cited, as the
6 “Sustainable Groundwater Management Act.”

7 10720.1. In enacting this part, it is the intent of the Legislature
8 to do all of the following:

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

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

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

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

22 (e) To avoid or minimize subsidence.

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

25 (g) To increase groundwater storage and remove impediments
26 to recharge.

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

31 10720.3. (a) This part applies to all groundwater basins in
32 the state.

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

36 10720.5. Groundwater management pursuant to this part shall
37 be consistent with Section 2 of Article X of the California
38 Constitution. Nothing in this part modifies rights or priorities to
39 use or store groundwater consistent with Section 2 of Article X of
40 the California Constitution, except that in basins designated

1 *medium- or high-priority basins by the department, no extraction*
2 *of groundwater between January 1, 2015, and the date of adoption*
3 *of a groundwater sustainability plan pursuant to this part,*
4 *whichever is sooner, may be used as evidence of, or to establish*
5 *or defend against, any claim of prescription.*

6 *10720.7. Subject to Chapter 6 (commencing with Section*
7 *10725), by January 31, 2020, all basins designated as high- or*
8 *medium-priority basins by the department shall be managed under*
9 *a groundwater sustainability plan or coordinated groundwater*
10 *sustainability plans pursuant to this part. The Legislature*
11 *encourages and authorizes basins designated as low-and very low*
12 *priority basins by the department to be managed under*
13 *groundwater sustainability plans pursuant to this part.*

14 *10720.9. (a) Except as provided in Section 10733.6, this part*
15 *does not apply to a local agency that conforms to the requirements*
16 *of an adjudication of water rights in a groundwater basin or to*
17 *that adjudicated basin. For purposes of this section, an*
18 *adjudication includes an adjudication under Section 2101, an*
19 *administrative adjudication, and an adjudication in state or federal*
20 *court, including, but not limited to, the following adjudicated*
21 *groundwater basins:*

- 22 *(1) Beaumont Basin.*
- 23 *(2) Brite Basin.*
- 24 *(3) Central Basin.*
- 25 *(4) Chino Basin.*
- 26 *(5) Cucamonga Basin.*
- 27 *(6) Cummings Basin.*
- 28 *(7) Goleta Basin.*
- 29 *(8) Main San Gabriel Basin: Puente Narrows.*
- 30 *(9) Mojave Basin Area.*
- 31 *(10) Puente Basin.*
- 32 *(11) Raymond Basin.*
- 33 *(12) San Jacinto Basin.*
- 34 *(13) Santa Margarita River Watershed.*
- 35 *(14) Santa Maria Valley Basin.*
- 36 *(15) Santa Paula Basin.*
- 37 *(16) Scott River Stream System.*
- 38 *(17) Seaside Basin.*
- 39 *(18) Six Basins.*
- 40 *(19) Tehachapi Basin.*

- 1 (20) *Upper Los Angeles River Area.*
- 2 (21) *Warren Valley Basin.*
- 3 (22) *West Coast Basin.*
- 4 (23) *Western San Bernardino.*
- 5 (b) *The Antelope Valley basin at issue in the Antelope Valley*
- 6 *Groundwater Cases (Judicial Council Coordination Proceeding*
- 7 *Number 4408) shall be treated as an adjudicated basin pursuant*
- 8 *to this section if the superior court issues a final judgment, order,*
- 9 *or decree.*

10
11 *CHAPTER 2. DEFINITIONS*

12
13 *10721. Unless the context otherwise requires, the following*

14 *definitions govern the construction of this part:*

- 15 (a) *“Adjudication action” means an action filed in the superior*
- 16 *court to determine the rights to extract groundwater from a basin*
- 17 *or store water within a basin, including, but not limited to, actions*
- 18 *to quiet title respecting rights to extract or store groundwater or*
- 19 *an action brought to impose a physical solution on a basin.*

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

- 23 (c) *“Bulletin 118” means the department’s report entitled*
- 24 *“California’s Groundwater: Bulletin 118” updated in 2003, as it*
- 25 *may be subsequently updated or revised in accordance with Section*
- 26 *12924.*

- 27 (d) *“Coordination agreement” means a legal agreement adopted*
- 28 *between two or more groundwater sustainability agencies that*
- 29 *provides the basis for coordinating multiple agencies or*
- 30 *groundwater sustainability plans within a basin pursuant to this*
- 31 *part.*

- 32 (e) *“De minimus extractor” means a person who extracts, for*
- 33 *domestic purposes, two acre-feet or less per year.*

- 34 (f) *“Governing body” means the legislative body of a*
- 35 *groundwater sustainability agency.*

- 36 (g) *“Groundwater” means water beneath the surface of the*
- 37 *earth within the zone below the water table in which the soil is*
- 38 *completely saturated with water, but does not include water that*
- 39 *flows in known and definite channels.*

- 1 (h) “Groundwater extraction facility” means a device or method
2 for extracting groundwater from within a basin.
- 3 (i) “Groundwater recharge” means the augmentation of
4 groundwater, by natural or artificial means.
- 5 (j) “Groundwater sustainability agency” means one or more
6 local agencies that implement the provisions of this part. For
7 purposes of imposing fees pursuant to Chapter 8 (commencing
8 with Section 10730) or taking action to enforce a groundwater
9 sustainability plan, “groundwater sustainability agency” also
10 means each local agency comprising the groundwater
11 sustainability agency if the plan authorizes separate agency action.
- 12 (k) “Groundwater sustainability plan” or “plan” means a plan
13 of a groundwater sustainability agency proposed or adopted
14 pursuant to this part.
- 15 (l) “Groundwater sustainability program” means a coordinated
16 and ongoing activity undertaken to benefit a basin, pursuant to a
17 groundwater sustainability plan.
- 18 (m) “Local agency” means a local public agency that has water
19 supply, water management, or land use responsibilities within a
20 groundwater basin.
- 21 (n) “Operator” means a person operating a groundwater
22 extraction facility. The owner of a groundwater extraction facility
23 shall be conclusively presumed to be the operator unless a
24 satisfactory showing is made to the governing body of the
25 groundwater sustainability agency that the groundwater extraction
26 facility actually is operated by some other person.
- 27 (o) “Owner” means a person owning a groundwater extraction
28 facility or an interest in a groundwater extraction facility other
29 than a lien to secure the payment of a debt or other obligation.
- 30 (p) “Planning and implementation horizon” means a 50-year
31 time period over which a groundwater sustainability agency
32 determines that plans and measures will be implemented in a basin
33 to ensure that the basin is operated within its sustainable yield.
- 34 (q) “Public water system” has the same meaning as defined in
35 Section 116275 of the Health and Safety Code.
- 36 (r) “Recharge area” means the area that supplies water to an
37 aquifer in a groundwater basin.
- 38 (s) “Sustainability goal” means the existence and
39 implementation of one or more groundwater sustainability plans
40 that achieve sustainable groundwater management by identifying

1 *and causing the implementation of measures targeted to ensure*
2 *that the applicable basin is operated within its sustainable yield.*

3 (t) *“Sustainable groundwater management” means the*
4 *management and use of groundwater in a manner that can be*
5 *maintained during the planning and implementation horizon*
6 *without causing undesirable results.*

7 (u) *“Sustainable yield” means the maximum quantity of water,*
8 *calculated over a base period representative of long-term*
9 *conditions in the basin and including any temporary surplus, that*
10 *can be withdrawn annually from a groundwater supply without*
11 *causing an undesirable result.*

12 (v) *“Undesirable result” means one or more of the following*
13 *effects occurring after January 1, 2015, and caused by*
14 *groundwater conditions occurring throughout the basin:*

15 (1) *Chronic lowering of groundwater levels indicating a*
16 *significant and unreasonable depletion of supply if continued over*
17 *the planning and implementation horizon, excluding lowering*
18 *groundwater levels caused by a drought.*

19 (2) *Significant and unreasonable reduction of groundwater*
20 *storage.*

21 (3) *Significant seawater intrusion.*

22 (4) *Significant and unreasonable degraded water quality,*
23 *including the migration of contaminant plumes that impair water*
24 *supplies.*

25 (5) *Significant land subsidence that substantially interferes with*
26 *surface land uses.*

27 (6) *Surface water depletions that have significant adverse*
28 *impacts on beneficial uses.*

29 (w) *“Water budget” 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 reasonably*
39 *likely to migrate toward the water well or well field.*

CHAPTER 3. BASIN BOUNDARIES

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

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

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

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

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

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

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

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

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

(1) High priority.

(2) Medium priority.

(3) Low priority.

(4) Very low priority.

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

1 *and its intent to undertake sustainable groundwater management.*
 2 *The notification shall include the following information, as*
 3 *applicable:*

4 *(a) The service area boundaries, the basin the agency is*
 5 *managing, and the other groundwater sustainability agencies*
 6 *operating within the basin.*

7 *(b) A copy of the resolution forming the new agency.*

8 *(c) A copy of the bylaws, ordinances, and new authorities.*

9 *10724. (a) In the event that there is an area within a basin*
 10 *that is not within the management area of a groundwater*
 11 *sustainability agency, the county within which that unmanaged*
 12 *area lies will be presumed to be the groundwater sustainability*
 13 *agency for that area.*

14 *(b) A county described in subdivision (a) shall provide*
 15 *notification to the department pursuant to Section 10723.8 unless*
 16 *the county notifies the department that it will not be the*
 17 *groundwater sustainability agency for the area. Extractions of*
 18 *groundwater made after 2016 in that area shall be subject to*
 19 *reporting in accordance with Part 5.2 (commencing with Section*
 20 *5200) of Division 2 if the county does either of the following:*

21 *(1) Notifies the department that it will not be the groundwater*
 22 *sustainability agency for an area.*

23 *(2) Fails to provide notification to the department pursuant to*
 24 *Section 10723.8 for an area on or before January 1, 2017.*

25

26 *CHAPTER 5. POWERS AND AUTHORITIES*

27

28 *10725. (a) A groundwater sustainability agency may exercise*
 29 *any of the powers described in this chapter in implementing this*
 30 *part, in addition to, and not as a limitation on, any existing*
 31 *authority, if the groundwater sustainability agency adopts and*
 32 *submits to the department a groundwater sustainability plan or*
 33 *prescribed alternative documentation in accordance with Section*
 34 *10733.6.*

35 *(b) A groundwater sustainability agency has and may use the*
 36 *powers in this chapter to provide the maximum degree of local*
 37 *control and flexibility consistent with the sustainability goals of*
 38 *this part.*

39 *10725.2. (a) A groundwater sustainability agency may perform*
 40 *any act necessary or proper to carry out the purposes of this part.*

1 (b) A groundwater sustainability agency may adopt rules,
2 regulations, ordinances, and resolutions for the purpose of this
3 part, in compliance with any procedural requirements applicable
4 to the adoption of a rule, regulation, ordinance, or resolution by
5 the groundwater sustainability agency.

6 (c) In addition to any other applicable procedural requirements,
7 the groundwater sustainability agency shall provide notice of the
8 proposed adoption of the groundwater sustainability plan on its
9 Internet Web site and provide for electronic notice to any person
10 who requests electronic notification.

11 10725.4. (a) A groundwater sustainability agency may conduct
12 an investigation for the purposes of this part, including, but not
13 limited to, investigations for the following:

14 (1) To determine the need for groundwater management.

15 (2) To prepare and adopt a groundwater sustainability plan
16 and implementing rules and regulations.

17 (3) To propose and update fees.

18 (4) To monitor compliance and enforcement.

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

21 (c) In connection with an investigation, a groundwater
22 sustainability agency may inspect the property or facilities of a
23 person or entity to ascertain whether the purposes of this part are
24 being met and compliance with this part. The local agency may
25 conduct an inspection pursuant to this section upon obtaining any
26 necessary consent or obtaining an inspection warrant pursuant
27 to the procedure set forth in Title 13 (commencing with Section
28 1822.50) of Part 3 of the Code of Civil Procedure.

29 10725.6. A groundwater sustainability agency may require
30 registration of a groundwater extraction facility within the
31 management area of the groundwater sustainability agency.

32 10725.8. (a) A groundwater sustainability agency may require
33 through its groundwater sustainability plan that the use of every
34 groundwater extraction facility within the management area of
35 the groundwater sustainability agency be measured by a
36 water-measuring device satisfactory to the groundwater
37 sustainability agency.

38 (b) All costs associated with the purchase and installation of
39 the water-measuring device shall be borne by the owner or
40 operator of each groundwater extraction facility. The water

1 *measuring devices shall be installed by the groundwater*
2 *sustainability agency or, at the groundwater sustainability agency's*
3 *option, by the owner or operator of the groundwater extraction*
4 *facility. Water-measuring devices shall be calibrated on a*
5 *reasonable schedule as may be determined by the groundwater*
6 *sustainability agency.*

7 *(c) A groundwater sustainability agency may require, through*
8 *its groundwater sustainability plan, that the owner or operator of*
9 *a groundwater extraction facility within the groundwater*
10 *sustainability agency file an annual statement with the groundwater*
11 *sustainability agency setting forth the total extraction in acre-feet*
12 *of groundwater from the facility during the previous water year.*

13 *(d) In addition to the measurement of groundwater extractions*
14 *pursuant to subdivision (a), a groundwater sustainability agency*
15 *may use any other reasonable method to determine groundwater*
16 *extraction.*

17 *(e) This section does not apply to de minimus extractors.*

18 *10726. An entity within the area of a groundwater sustainability*
19 *plan shall only divert surface water to underground storage*
20 *consistent with the plan and shall report the diversion to*
21 *underground storage to the groundwater sustainability agency for*
22 *the relevant portion of the basin.*

23 *10726.2. A groundwater sustainability agency may do the*
24 *following:*

25 *(a) Acquire by grant, purchase, lease, gift, devise, contract,*
26 *construction, or otherwise, and hold, use, enjoy, sell, let, and*
27 *dispose of, real and personal property of every kind, including*
28 *lands, water rights, structures, buildings, rights-of-way, easements,*
29 *and privileges, and construct, maintain, alter, and operate any*
30 *and all works or improvements, within or outside the agency,*
31 *necessary or proper to carry out any of the purposes of this part.*

32 *(b) Appropriate and acquire surface water or groundwater and*
33 *surface water or groundwater rights, import surface water or*
34 *groundwater into the agency, and conserve and store within or*
35 *outside the agency that water for any purpose necessary or proper*
36 *to carry out the provisions of this part, including, but not limited*
37 *to, the spreading, storing, retaining, or percolating into the soil*
38 *of the waters for subsequent use or in a manner consistent with*
39 *the provisions of Section 10727.2. As part of this authority, the*
40 *agency may validate an existing groundwater conjunctive use or*

1 *storage program upon a finding that the program would aid or*
2 *assist the agency in developing or implementing a groundwater*
3 *sustainability plan.*

4 *(c) Provide for a program of voluntary fallowing of agricultural*
5 *lands or validate an existing program.*

6 *(d) Perform any acts necessary or proper to enable the agency*
7 *to purchase, transfer, deliver, or exchange water or water rights*
8 *of any type with any person that may be necessary or proper to*
9 *carry out any of the purposes of this part, including, but not limited*
10 *to, providing surface water in exchange for a groundwater*
11 *extractor's agreement to reduce or cease groundwater extractions.*
12 *The agency shall not deliver retail water supplies within the service*
13 *area of a public water system without either the consent of that*
14 *system or authority under the agency's existing authorities.*

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

19 *(f) Commence, maintain, intervene in, defend, compromise, and*
20 *assume the cost and expenses of any and all actions and*
21 *proceedings.*

22 *10726.4. (a) A groundwater sustainability agency shall have*
23 *the following additional authority and may regulate groundwater*
24 *pumping using that authority:*

25 *(1) To impose spacing requirements on new groundwater well*
26 *construction to minimize well interference and impose reasonable*
27 *operating regulations on existing groundwater wells to minimize*
28 *well interference, including requiring pumpers to operate on a*
29 *rotation basis.*

30 *(2) To control groundwater extractions by regulating, limiting,*
31 *or suspending extractions from individual groundwater wells or*
32 *extractions from groundwater wells in the aggregate, the*
33 *construction of new groundwater wells, the enlarging of existing*
34 *groundwater wells, the reactivation of abandoned groundwater*
35 *wells, or otherwise establishing groundwater extraction*
36 *allocations. A limitation on extractions by a groundwater*
37 *sustainability agency shall not be construed to be a final*
38 *determination of rights to extract groundwater from the basin or*
39 *any portion of the basin.*

1 (3) To authorize temporary and permanent transfers of
2 groundwater extraction allocations within the agency's boundaries,
3 if the total quantity of groundwater extracted in any water year is
4 consistent with the provisions of the groundwater sustainability
5 plan.

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

11 (b) Nothing in this section shall be construed to grant a
12 groundwater sustainability agency the authority to issue permits
13 for the construction, modification, or abandonment of groundwater
14 wells. A county may authorize a groundwater sustainability agency
15 to issue permits for the construction, modification, or abandonment
16 of groundwater wells.

17 10726.6. (a) A groundwater sustainability agency that adopts
18 a groundwater sustainability plan may file an action to determine
19 the validity of the plan pursuant to Chapter 9 (commencing with
20 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

21 (b) Subject to Sections 394 and 397 of the Code of Civil
22 Procedure, the venue for an action pursuant to this section shall
23 be the county in which the principal office of the groundwater
24 management agency is located.

25 (c) Any judicial action or proceeding to attack, review, set aside,
26 void, or annul the ordinance or resolution imposing a new, or
27 increasing an existing, fee imposed pursuant to Section 10730,
28 10730.2, or 10730.4 shall be brought pursuant to Section 66022
29 of the Government Code.

30 (d) Any person may pay a fee imposed pursuant to Section
31 10730, 10730.2, or 10730.4 under protest and bring an action
32 against the governing body in the superior court to recover any
33 money that the governing body refuses to refund. Payments made
34 and actions brought under this section shall be made and brought
35 in the manner provided for the payment of taxes under protest and
36 actions for refund of that payment in Article 2 (commencing with
37 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
38 and Taxation Code, as applicable.

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

4 10726.8. (a) This part is in addition to, and not a limitation
5 on, the authority granted to a local agency under any other law.
6 The local agency may use the local agency's authority under any
7 other law to apply and enforce any requirements of this part,
8 including, but not limited to, the collection of fees.

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

11 (c) This part does not authorize a local agency to impose any
12 requirement or impose any penalty or fee on the state or any
13 agency, department, or officer of the state. State agencies and
14 departments shall work cooperatively with a local agency on a
15 voluntary basis.

16
17 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS
18

19 10727. (a) A groundwater sustainability plan shall be
20 developed and implemented for each medium- or high-priority
21 basin by a groundwater sustainability agency to meet the
22 sustainability goal established pursuant to this part. The
23 groundwater sustainability plan may incorporate, extend, or be
24 based on a plan adopted pursuant to Part 2.75 (commencing with
25 Section 10750).

26 (b) A groundwater sustainability plan may be any of the
27 following:

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

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

32 (3) Subject to Section 10727.6, multiple plans implemented by
33 multiple groundwater sustainability agencies and coordinated
34 pursuant to a single coordination agreement that covers the entire
35 basin.

36 10727.2. A groundwater sustainability plan shall include all
37 of the following:

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

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

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

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

5 (4) A map that details the area of the basin and the boundaries
6 of the groundwater sustainability agencies that overlie the basin
7 that have or are developing groundwater sustainability plans.

8 (5) A map identifying existing and potential recharge areas for
9 the basin. The map or maps shall identify the existing recharge
10 areas that substantially contribute to the replenishment of the
11 groundwater basin. The map or maps shall be provided to the
12 appropriate local planning agencies after adoption of the
13 groundwater sustainability plan.

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

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

20 (3) Notwithstanding paragraph (1), at the request of the
21 groundwater sustainability agency, the department may grant an
22 extension of up to 10 years beyond the 20-year sustainability
23 timeframe upon a showing of good cause.

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

25 (d) Components relating to the following, as applicable to the
26 basin:

27 (1) The monitoring and management of groundwater levels
28 within the basin.

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

34 (3) Mitigation of overdraft.

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

37 (e) A summary of the type of monitoring sites, type of
38 measurements, and the frequency of monitoring for each location
39 monitoring groundwater levels, groundwater quality, subsidence,
40 streamflow, precipitation, evaporation, and tidal influence. The

1 *plan shall include a summary of monitoring information such as*
2 *well depth, screened intervals, and aquifer zones monitored, and*
3 *a summary of the type of well relied on for the information,*
4 *including public, irrigation, domestic, industrial, and monitoring*
5 *wells.*

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

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

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

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

20 *(c) Migration of contaminated groundwater.*

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

22 *(e) Replenishment of groundwater extractions.*

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

25 *(g) Well construction policies.*

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

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

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

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

37 *10727.6. Groundwater sustainability agencies intending to*
38 *develop and implement multiple groundwater sustainability plans*
39 *pursuant to paragraph (3) of subdivision (b) of Section 10727 shall*
40 *coordinate with other agencies preparing a groundwater*

1 sustainability plan within the basin to ensure that the plans utilize
2 the same data for the following assumptions in developing the
3 plan:

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

11 10727.8. Prior to initiating the development of a groundwater
12 sustainability plan, the groundwater sustainability agency shall
13 make available to the public and the department a written statement
14 describing the manner in which interested parties may participate
15 in the development and implementation of the groundwater
16 sustainability plan. The groundwater sustainability agency may
17 appoint and consult with an advisory committee consisting of
18 interested parties for the purposes of developing and implementing
19 a groundwater sustainability plan. The groundwater sustainability
20 agency shall encourage the active involvement of diverse social,
21 cultural, and economic elements of the population within the
22 groundwater basin prior to and during the development and
23 implementation of the groundwater sustainability plan.

24 10728. (a) Except as provided in subdivision (b), a
25 groundwater sustainability agency shall certify that its plan
26 complies with this part no later than January 31, 2020, and every
27 five years thereafter. A groundwater sustainability agency shall
28 submit this certification to the department within 30 days of the
29 certification.

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

37 (2) Before issuing findings pursuant to paragraph (1), the
38 department shall transmit a draft of its findings to the submitting
39 agency and shall consult with that agency. The submitting agency

1 *may submit a response to the department within 60 days of*
2 *receiving the department’s draft findings.*

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

9 *10728.2. A groundwater sustainability agency shall periodically*
10 *evaluate its groundwater sustainability plan, assess changing*
11 *conditions in the basin that may warrant modification of the plan*
12 *or management objectives, and may adjust components in the plan.*
13 *An evaluation of the plan shall focus on determining whether the*
14 *actions under the plan are meeting the plan’s management*
15 *objectives and whether those objectives are meeting the*
16 *sustainability goal in the basin.*

17 *10728.4. A groundwater sustainability agency may adopt or*
18 *amend a groundwater sustainability plan if the groundwater*
19 *sustainability agency holds a public hearing and more than 90*
20 *days have passed since the groundwater sustainability agency*
21 *provided notice to a city or county within the area of the proposed*
22 *plan or amendment. The groundwater sustainability agency shall*
23 *obtain comments from any city or county that receives notice*
24 *pursuant to this section and shall consult with a city or county that*
25 *requests consultation within 30 days of receipt of the notice.*
26 *Nothing in this section is intended to preclude an agency and a*
27 *city or county from otherwise consulting or commenting regarding*
28 *the adoption or amendment of a plan.*

29
30 *CHAPTER 7. TECHNICAL ASSISTANCE*

31
32 *10729. (a) The department or a groundwater sustainability*
33 *agency may provide technical assistance to entities that extract*
34 *or use groundwater to promote water conservation and protect*
35 *groundwater resources.*

36 *(b) The department may provide technical assistance to any*
37 *groundwater sustainability agency in response to that agency’s*
38 *request for assistance in the development and implementation of*
39 *a groundwater sustainability plan. The department shall use its*
40 *best efforts to provide the requested assistance.*

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

4 (2) The department shall develop the best management practices
5 through a public process involving one public meeting conducted
6 at a location in northern California, one public meeting conducted
7 at a location in the San Joaquin Valley, one public meeting
8 conducted at a location in southern California, and one public
9 meeting of the California Water Commission.

10

11

CHAPTER 8. FINANCIAL AUTHORITY

12

13 10730. (a) A groundwater sustainability agency may impose
14 fees, including, but not limited to, permit fees and fees on
15 groundwater extraction or other regulated activity, to fund the
16 costs of a groundwater sustainability program, including, but not
17 limited to, preparation, adoption, and amendment of a groundwater
18 sustainability plan, and program administration, investigations,
19 inspections, compliance assistance, and enforcement. A
20 groundwater sustainability agency shall not impose a fee pursuant
21 to this subdivision on a de minimus extractor unless the agency
22 has regulated the users pursuant to this part.

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

27 (2) Notice of the time and place of the meeting shall include a
28 general explanation of the matter to be considered and a statement
29 that the data required by this section is available. The notice shall
30 be mailed at least 14 days prior to the meeting to each record
31 owner of property within the basin and to any interested party who
32 files a written request with the agency for mailed notice of the
33 meeting on new or increased fees. A written request for mailed
34 notices shall be valid for one year from the date that the request
35 is made and may be renewed by making a written request on or
36 before April 1 of each year.

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

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

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

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

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

16 10730.2. (a) A groundwater sustainability agency that adopts
17 a groundwater sustainability plan pursuant to this part may impose
18 fees on the extraction of groundwater from the basin to fund costs
19 of groundwater management, including, but not limited to, the
20 costs of the following:

21 (1) Administration, operation, maintenance, and acquisition of
22 lands or other property, facilities, and services.

23 (2) Supply, production, treatment, or distribution of water.

24 (3) Other activities necessary or convenient to implement the
25 plan.

26 (b) Fees may be implemented pursuant to Part 2.75
27 (commencing with Section 10750) in accordance with the
28 procedures provided in this section.

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

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

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

1 10730.4. A groundwater sustainability agency may fund
2 activities pursuant to Part 2.75 (commencing with Section 10750)
3 and may impose fees pursuant to Section 10732.5 to fund activities
4 undertaken by the agency pursuant to Part 2.75 (commencing with
5 Section 10750).

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

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

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

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

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

1 (f) *The remedies specified in this section for collecting and*
2 *enforcing fees are cumulative and may be pursued alternatively*
3 *or may be used consecutively as determined by the governing body.*

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

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

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

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

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

10
11 *CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY*
12 *ENFORCEMENT POWERS*

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

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

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

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

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

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

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

6
7 CHAPTER 10. STATE EVALUATION AND ASSESSMENT
8

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

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

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

25 (b) The guidelines shall identify the necessary plan components
26 specified in Sections 10727.2 and 10727.4 and other information
27 that will assist local agencies in developing and implementing
28 groundwater sustainability plans and groundwater sustainability
29 programs.

30 (c) The department may update the guidelines, including to
31 incorporate the best management practices identified pursuant to
32 Section 10729.

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

39 10733.4. (a) Upon completion of a groundwater sustainability
40 plan, a groundwater sustainability agency shall submit the

1 groundwater sustainability plan to the department for review
2 pursuant to this chapter.

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

10 (1) The groundwater sustainability plans.

11 (2) An explanation of how the groundwater sustainability plans
12 implemented together satisfy Section 10729 for the entire basin.

13 (3) A copy of the coordination agreement between the
14 groundwater sustainability agencies to ensure the coordinated
15 implementation of the groundwater sustainability plans for the
16 entire basin.

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

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

26 10733.6. (a) If there is not a groundwater sustainability plan
27 for a basin, but a local agency believes that an alternative plan,
28 such as a plan developed pursuant to Part 2.75 (commencing with
29 Section 10750), satisfies the objectives of this part, the local agency
30 may submit the alternative plan to the department for evaluation
31 and assessment of whether the plan is the functional equivalent of
32 a groundwater sustainability plan pursuant to this part. In
33 evaluating an alternative plan, the department shall, to the extent
34 feasible, use the guidelines developed pursuant to Section 10733.2.

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

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

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

14 10733.8. At least every five years after submission, the
15 department, in consultation with the board, shall review any
16 available groundwater sustainability plan, alternative plan
17 submitted in accordance with Section 10729.6, and the
18 implementation of the corresponding groundwater sustainability
19 program for consistency with this part, including achieving the
20 sustainability goal. The department shall issue an assessment for
21 each basin for which a plan has been submitted in accordance
22 with this chapter. The assessment may include recommended
23 corrective actions to address any deficiencies identified by the
24 department.

25 10734. (a) Consistent with Section 3 of Article XIII A of the
26 California Constitution, the department shall adopt a schedule of
27 fees to recover costs incurred in carrying out this chapter.

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

31

32 *CHAPTER 11. STATE INTERVENTION*

33

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

36 (a) “Condition of long-term overdraft” means the condition of
37 a groundwater basin where the average annual amount of water
38 extracted for a long-term period, generally 10 years or more,
39 exceeds the long-term average annual supply of water to the basin,
40 plus any temporary surplus. Overdraft during a period of drought

1 *is not sufficient to establish a condition of long-term overdraft if*
2 *extractions and recharge are managed as necessary to ensure that*
3 *reductions in groundwater levels or storage during a period of*
4 *drought are offset by increases in groundwater levels or storage*
5 *during other periods.*

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

14 (c) “Probationary basin” means a basin for which the board
15 has issued a determination under this section.

16 (d) “Significant depletions of interconnected surface waters”
17 means reductions in flow or levels of a surface water that is
18 hydrologically connected to the basin such that the reduced surface
19 water flow or level adversely affects beneficial uses of the surface
20 water.

21 10735.2. (a) The board, after notice and a public hearing,
22 may designate a basin as a probationary basin, if the board finds
23 one or more of the following applies to the basin:

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

25 (A) No local agency has elected to be a groundwater
26 sustainability agency that intends to develop a groundwater
27 sustainability plan for the entire basin.

28 (B) No collection of local agencies has formed a groundwater
29 sustainability agency or prepared agreements to develop one or
30 more groundwater sustainability plans that will collectively serve
31 as a groundwater sustainability plan for the entire basin.

32 (C) There is no plan developed pursuant to Part 2.75
33 (commencing with Section 10750) that satisfies the objectives of
34 this part.

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

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

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

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

6 (C) The department has not determined that a local agency has
7 a functional equivalent as described in Section 10733.6.

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

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

15 (A) The department has determined that a groundwater
16 sustainability plan is inadequate or that the groundwater
17 sustainability program is not being implemented in a manner that
18 will likely achieve the sustainability goal.

19 (B) The basin is in a condition of long-term overdraft or in a
20 condition where groundwater extractions result in significant
21 depletions of interconnected surface waters.

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

33 (2) The board shall consult with the department in assessing
34 technical determinations pursuant to subparagraph (A) of
35 paragraph (3) of subdivision (a).

36 (c) The determination shall set an amount of groundwater
37 extractions, for purposes of establishing the amount for which
38 reports of groundwater extraction are required under Part 5.2
39 (commencing with Section 5200) of Division 2, and may include

1 *exclusions for certain classes or categories of extractions that are*
2 *likely to have a minimal impact on basin withdrawals.*

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

11 *(b) After the 180-day period provided by subdivision (a), the*
12 *board may provide additional time to remedy the deficiency if it*
13 *finds that a local agency is making substantial progress toward*
14 *remediating the deficiency.*

15 *(c) The board may develop an interim plan pursuant to Section*
16 *10735.8 for the probationary basin at the end of the time period*
17 *provided by subdivision (a) or any extension provided pursuant*
18 *to subdivision (b), if the board, in consultation with the department,*
19 *determines that a local agency has not remedied the deficiency*
20 *that resulted in designating the basin as a probationary basin*
21 *pursuant to this section.*

22 *10735.6. (a) If the board designates a basin as a probationary*
23 *basin pursuant to paragraph (3) of subdivision (a) of Section*
24 *10735.2, the board shall identify the specific deficiencies and*
25 *identify potential actions to address the deficiencies. The board*
26 *may request the department to provide local agencies, within 90*
27 *days of the designation of a probationary basin, with technical*
28 *recommendations to remedy the deficiencies.*

29 *(b) The board may develop an interim plan pursuant to Section*
30 *10735.8 for the probationary basin one year after the designation*
31 *of the basin pursuant to paragraph (3) of subdivision (a) of Section*
32 *10735.2, if the board, in consultation with the department,*
33 *determines that a local agency has not remedied the deficiency*
34 *that result in designating the basin a probationary basin.*

35 *10735.8. (a) The board, after notice and a public hearing,*
36 *may adopt an interim plan for a probationary basin.*

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

38 *(1) Identification of the actions that are necessary to correct a*
39 *condition of long-term overdraft or a condition where groundwater*
40 *extractions result in significant depletions of interconnected surface*

1 *waters, including recommendations for appropriate action by any*
2 *person.*

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

4 *(3) A description of the monitoring to be undertaken to*
5 *determine effectiveness of the plan.*

6 *(c) The interim plan may include the following:*

7 *(1) Restrictions on groundwater pumping or extraction.*

8 *(2) A physical solution.*

9 *(3) Principles and guidelines for the administration of rights*
10 *to surface waters that are connected to the basin.*

11 *(d) To the extent feasible, consistent with Sections 100 and 275*
12 *and subdivision (e), the interim plan shall be consistent with water*
13 *right priorities.*

14 *(e) Where, in the judgment of the board, a groundwater*
15 *sustainability plan, groundwater sustainability program, or an*
16 *adjudication action can be relied on as part of the interim plan,*
17 *either throughout the basin or in an area within the basin, the*
18 *board may rely on, or incorporate elements of, that plan, program,*
19 *or adjudication into the interim plan adopted by the board or allow*
20 *local agencies to continue implementing those parts of a plan or*
21 *program that the board determines are adequate.*

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

27 *(g) (1) After the board adopts an interim plan under this section,*
28 *the board shall determine if a groundwater sustainability plan or*
29 *an adjudication action is adequate to eliminate the condition of*
30 *long-term overdraft or condition where groundwater extractions*
31 *result in significant depletions of interconnected surface waters,*
32 *upon petition of either of the following:*

33 *(A) A groundwater sustainability agency that has adopted a*
34 *groundwater sustainability plan for the probationary basin or a*
35 *portion thereof.*

36 *(B) A person authorized to file the petition by a judicial order*
37 *or decree entered in an adjudication action in the probationary*
38 *basin.*

39 *(2) The board shall act on a petition filed pursuant to paragraph*
40 *(1) within 90 days after the petition is complete. If the board*

1 *determines that the groundwater sustainability plan or adjudication*
2 *action is adequate, the board shall rescind the interim plan adopted*
3 *by the board for the probationary basin, except as provided in*
4 *paragraphs (3) and (4).*

5 *(3) Upon request of the petitioner, the board may amend an*
6 *interim plan adopted under this section to eliminate portions of*
7 *the interim plan, while allowing other portions of the interim plan*
8 *to continue in effect.*

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

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

19 *10736. (a) The board shall adopt or amend a determination*
20 *or interim plan under Section 10735.2 or 10735.8 in accordance*
21 *with procedures for quasi-legislative action.*

22 *(b) The board shall provide notice of a hearing described in*
23 *subdivision (a) of Section 10735.2 or subdivision (a) of Section*
24 *10735.8 as follows:*

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

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

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

33 *(B) At least 60 days before the hearing, the board shall mail or*
34 *send by electronic mail notice to all persons known to the board*
35 *who extract or who propose to extract water from the basin, or*
36 *who have made written or electronic mail requests to the board*
37 *for special notice of hearing pursuant to this part. If any portion*
38 *of the basin is within a board-designated local area, the records*
39 *made available to the board by the local agency in accordance*
40 *with paragraph (4) of subdivision (d) of Section 5009 shall include*

1 *the names and addresses of persons and entities known to the local*
2 *agency who extract water from the basin, and the board shall mail*
3 *or send by electronic mail notice to those persons.*

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

8 *(d) (1) Except as provided in paragraphs (2) and (3), Chapter*
9 *3.5 (commencing with Section 11340) of Part 1 of Division 2 of*
10 *Title 2 of the Government Code does not apply to any action*
11 *authorized pursuant to Section 10735.2 or 10735.8.*

12 *(2) The board may adopt a regulation in accordance with*
13 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
14 *2 of Title 2 of the Government Code setting procedures for*
15 *adopting a determination or plan.*

16 *(3) The board may adopt a regulation applying or interpreting*
17 *this part pursuant to Section 1530 if the board determines that the*
18 *emergency regulation is reasonably necessary for the allocation,*
19 *administration, or collection of fees authorized pursuant to Section*
20 *1529.5.*

21 *10736.2. Division 13 (commencing with Section 21000) of the*
22 *Public Resources Code does not apply to any action or failure to*
23 *act by the board under this chapter, other than the adoption or*
24 *amendment of an interim plan pursuant to Section 10735.8.*

25 *10736.4. The extraction or use of water extracted in violation*
26 *of an interim plan under this part shall not be relied upon as a*
27 *basis for establishing the extraction or use of water to support a*
28 *claim in an action or proceeding for determination of water rights.*

29 *10736.6. (a) The board may order a person that extracts or*
30 *uses water from a basin that is subject to an investigation or*
31 *proceeding under this chapter to prepare and submit to the board*
32 *any technical or monitoring program reports related to that*
33 *person's or entity's extraction or use of water as the board may*
34 *specify. The costs incurred by the person in the preparation of*
35 *those reports shall bear a reasonable relationship to the need for*
36 *the report and the benefit to be obtained from the report. If the*
37 *preparation of individual reports would result in a duplication of*
38 *effort, or if the reports are necessary to evaluate the cumulative*
39 *effect of several diversions or uses of water, the board may order*

1 any person subject to this subdivision to pay a reasonable share
2 of the cost of preparing reports.

3 (b) (1) An order issued pursuant to this section shall be served
4 by personal service or registered mail on the party to submit
5 technical or monitoring program reports or to pay a share of the
6 costs of preparing reports. Unless the board issues the order after
7 a hearing, the order shall inform the party of the right to request
8 a hearing within 30 days after the party has been served. If the
9 party does not request a hearing within that 30-day period, the
10 order shall take effect as issued. If the party requests a hearing
11 within that 30-day period, the board may adopt a decision and
12 order after conducting a hearing.

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

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

23 (d) In conducting an investigation or proceeding pursuant to
24 this part, the board may inspect the property or facilities of a
25 person to ascertain whether the purposes of this part are being
26 met and to ascertain compliance with this part. The board may
27 obtain an inspection warrant pursuant to the procedures set forth
28 in Title 13 (commencing with Section 1822.50) of Part 3 of the
29 Code of Civil Procedure for the purposes of an inspection pursuant
30 to this subdivision.

31 SEC. 11. Section 10750.1 is added to the Water Code, to read:

32 10750.1. (a) Beginning January 1, 2015, a new plan shall not
33 be adopted and an existing plan shall not be renewed pursuant to
34 this part, except as provided in subdivision (b). A plan adopted
35 before January 1, 2015, shall remain in effect until a groundwater
36 sustainability plan is adopted pursuant to Part 2.74 (commencing
37 with Section 10720).

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

1 *SEC. 12. Section 10927 of the Water Code is amended to read:*

2 10927. Any of the following entities may assume responsibility
3 for monitoring and reporting groundwater elevations in all or a
4 part of a basin or subbasin in accordance with this part:

5 (a) A watermaster or water management engineer appointed by
6 a court or pursuant to statute to administer a final judgment
7 determining rights to groundwater.

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

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

16 (3) *A groundwater sustainability agency with statutory authority*
17 *to manage groundwater pursuant to Part 2.74 (commencing with*
18 *Section 10720).*

19 (c) A local agency that is managing all or part of a groundwater
20 basin or subbasin pursuant to Part 2.75 (commencing with Section
21 10750) and that was monitoring groundwater elevations in all or
22 a part of a groundwater basin or subbasin on or before January 1,
23 2010, or a local agency or county that is managing all or part of a
24 groundwater basin or subbasin pursuant to any other legally
25 enforceable groundwater management plan with provisions that
26 are substantively similar to those described in that part and that
27 was monitoring groundwater elevations in all or a part of a
28 groundwater basin or subbasin on or before January 1, 2010.

29 (d) A local agency that is managing all or part of a groundwater
30 basin or subbasin pursuant to an integrated regional water
31 management plan prepared pursuant to Part 2.2 (commencing with
32 Section 10530) that includes a groundwater management
33 component that complies with the requirements of Section 10753.7.

34 (e) A local agency that has been collecting and reporting
35 groundwater elevations and that does not have an adopted
36 groundwater management plan, if the local agency adopts a
37 groundwater management plan in accordance with Part 2.75
38 (commencing with Section 10750) by January 1, 2014. The
39 department may authorize the local agency to conduct the
40 monitoring and reporting of groundwater elevations pursuant to

1 this part on an interim basis, until the local agency adopts a
2 groundwater management plan in accordance with Part 2.75
3 (commencing with Section 10750) or until January 1, 2014,
4 whichever occurs first.

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

9 (g) A voluntary cooperative groundwater monitoring association
10 formed pursuant to Section 10935.

11 *SEC. 13. Section 10933 of the Water Code is amended to read:*

12 10933. (a) ~~On or before January 1, 2012, the~~ The department
13 shall commence to identify the extent of monitoring of groundwater
14 elevations that is being undertaken within each basin and subbasin.

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

19 ~~(1)~~

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

21 ~~(2)~~

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

24 ~~(3)~~

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

27 ~~(4)~~

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

30 ~~(5)~~

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

32 ~~(6)~~

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

35 ~~(7)~~

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

39 ~~(8)~~

1 (H) Any other information determined to be relevant by the
2 department.

3 (2) *The department, in consultation with the Department of Fish*
4 *and Wildlife, shall identify and develop prioritization criteria for*
5 *the purpose of identifying groundwater basins and subbasins that*
6 *should be prioritized based on adverse impacts to habitat and*
7 *surface water resources. The criteria shall be incorporated into*
8 *the determination of basin and subbasin prioritization at the*
9 *department's next update of basin and subbasin prioritizations*
10 *that occurs after January 1, 2017.*

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

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

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

18 (A) A groundwater management plan pursuant to Part 2.75
19 (commencing with Section 10750).

20 (B) An integrated regional water management plan pursuant to
21 Part 2.2 (commencing with Section 10530) that includes a
22 groundwater management component that complies with the
23 requirements of Section 10753.7.

24 (C) A voluntary groundwater monitoring association pursuant
25 to Section 10935.

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

32 (e) If the department determines, with regard to a basin or
33 subbasin, that there is insufficient interest in establishing a plan
34 or association described in paragraph (2) of subdivision (c), and
35 if the county decides not to perform the groundwater monitoring
36 and reporting functions of this part, the department shall do all of
37 the following:

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

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

4 (3) If the department determines that the monitoring wells
 5 identified pursuant to paragraph (1) provide sufficient information
 6 to demonstrate seasonal and long-term trends in groundwater
 7 elevations, the department shall not perform groundwater
 8 monitoring functions pursuant to Section 10933.5.

9 (4) If the department determines that the monitoring wells
 10 identified pursuant to paragraph (1) provide insufficient
 11 information to demonstrate seasonal and long-term trends in
 12 groundwater elevations, the department shall perform groundwater
 13 monitoring functions pursuant to Section 10933.5.

14 *SEC. 14. Section 12924 of the Water Code is amended to read:*

15 12924. (a) The department, in conjunction with other public
 16 agencies, shall conduct an investigation of the state’s groundwater
 17 basins. The department shall identify the state’s groundwater basins
 18 on the basis of geological and hydrological conditions and
 19 consideration of political boundary lines whenever practical. The
 20 department shall also investigate existing general patterns of
 21 groundwater pumping and groundwater recharge within those
 22 basins to the extent necessary to identify basins that are subject to
 23 critical conditions of overdraft.

24 (b) *The department may revise the boundaries of groundwater*
 25 *basins identified in subdivision (a) based on its own investigations*
 26 *or information provided by others.*

27 ~~(b)~~

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

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

35 *SEC. 16. No reimbursement is required by this act pursuant*
 36 *to Section 6 of Article XIII B of the California Constitution for*
 37 *certain costs that may be incurred by a local agency or school*
 38 *district because, in that regard, this act creates a new crime or*
 39 *infraction, eliminates a crime or infraction, or changes the penalty*
 40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

4 *However, if the Commission on State Mandates determines that*
5 *this act contains other costs mandated by the state, reimbursement*
6 *to local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

9 *SEC. 17. The Legislature finds and declares that Section 5 of*
10 *this act, which adds Section 10730.8 to the Water Code, imposes*
11 *a limitation on the public's right of access to the meetings of public*
12 *bodies or the writings of public officials and agencies within the*
13 *meaning of Section 3 of Article I of the California Constitution.*
14 *Pursuant to that constitutional provision, the Legislature makes*
15 *the following findings to demonstrate the interest protected by this*
16 *limitation and the need for protecting that interest:*

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

21 **SECTION 1.** (a) ~~The Legislature finds and declares as follows:~~

22 ~~(1) The people of the state have a primary interest in the~~
23 ~~protection, management, and reasonable beneficial use of the water~~
24 ~~resources of the state, both surface and underground, and that the~~
25 ~~integrated management of the state's water resources is essential~~
26 ~~to meeting its water management goals.~~

27 ~~(2) Groundwater provides a significant portion of California's~~
28 ~~water supply. Groundwater accounts for more than one-third of~~
29 ~~the water used by Californians in an average year and more than~~
30 ~~one-half of the water used by Californians in a drought year when~~
31 ~~other sources are unavailable.~~

32 ~~(3) Excessive groundwater pumping can cause overdraft, failed~~
33 ~~wells, deteriorated water quality, environmental damage, and~~
34 ~~irreversible land subsidence that damages infrastructure and~~
35 ~~diminishes the capacity of aquifers to store water for the future.~~

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

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

3 ~~(6) Groundwater resources are most effectively managed at the~~
4 ~~local or regional level.~~

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

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

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

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

18 ~~(b) It is therefore the intent of the Legislature to do all of the~~
19 ~~following:~~

20 ~~(1) To provide local and regional agencies the authority to~~
21 ~~sustainably manage groundwater.~~

22 ~~(2) To provide that if no local groundwater agency or agencies~~
23 ~~provide sustainable groundwater management for a groundwater~~
24 ~~basin or subbasin, the state has the authority to develop and~~
25 ~~implement a sustainable groundwater management plan until the~~
26 ~~time the local groundwater management agency or agencies can~~
27 ~~assume management of the basin or subbasin.~~

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

35 ~~(4) To respect overlying and other proprietary rights to~~
36 ~~groundwater.~~

37 ~~SEC. 2.— Section 65350.5 is added to the Government Code, to~~
38 ~~read:~~

39 ~~65350.5.— Before the adoption of or any substantial amendment~~
40 ~~to a city or county's general plan, the planning agency shall review~~

1 and, if necessary, revise the land use, conservation, open space,
2 or any other element as appropriate to address all of the following:

3 (a) ~~Any adoption of, or update to, a groundwater management~~
4 ~~plan by a groundwater management agency or local agency~~
5 ~~pursuant to Part 2.74 (commencing with Section 10720) or Part~~
6 ~~2.75 (commencing with Section 10750) of the Water Code or other~~
7 ~~provisions of law or a court order, judgment, or decree, or the State~~
8 ~~Water Resources Control Board if it has adopted a groundwater~~
9 ~~management plan pursuant to Section 10747.~~

10 (b) ~~Any limitation on pumping of groundwater by a local~~
11 ~~groundwater management agency.~~

12 (c) ~~An adjudication of water rights.~~

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

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

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

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

23 (3) ~~The local agency formation commission.~~

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

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

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

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

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

15 ~~(8) A groundwater management agency or local agency that has~~
16 ~~adopted a groundwater management plan or sustainable~~
17 ~~groundwater management plan, or that otherwise manages~~
18 ~~groundwater pursuant to other provisions of law or a court order,~~
19 ~~judgment, or decree, or the State Water Resources Control Board~~
20 ~~if it has adopted a groundwater management plan pursuant to~~
21 ~~Section 10747 of the Water Code, that includes territory within~~
22 ~~the planning area of the proposed general plan.~~

23 ~~(9) The Bay Area Air Quality Management District, for a~~
24 ~~proposed action within the boundaries of the district.~~

25 ~~(10) A California Native American tribe, that is on the contact~~
26 ~~list maintained by the Native American Heritage Commission and~~
27 ~~that has traditional lands located within the city or county's~~
28 ~~jurisdiction.~~

29 ~~(11) The Central Valley Flood Protection Board, for a proposed~~
30 ~~action within the boundaries of the Sacramento and San Joaquin~~
31 ~~Drainage District, as set forth in Section 8501 of the Water Code.~~

32 ~~(b) An entity that receives a proposed general plan or~~
33 ~~amendment of a general plan pursuant to this section shall have~~
34 ~~45 days from the date the referring agency mails it or delivers it~~
35 ~~to comment unless a longer period is specified by the planning~~
36 ~~agency.~~

37 ~~(e) (1) This section is directory, not mandatory, and the failure~~
38 ~~to refer a proposed action to the entities specified in this section~~
39 ~~does not affect the validity of the action, if adopted.~~

1 ~~(2) To the extent that the requirements of this section conflict~~
2 ~~with the requirements of Chapter 4.4 (commencing with Section~~
3 ~~65919), the requirements of Chapter 4.4 shall prevail.~~

4 SEC. 4. ~~Section 65352.5 of the Government Code is amended~~
5 ~~to read:~~

6 ~~65352.5.—(a) The Legislature finds and declares that it is vital~~
7 ~~that there be close coordination and consultation between~~
8 ~~California’s water supply agencies and California’s land use~~
9 ~~approval agencies to ensure that proper water supply planning~~
10 ~~occurs to accommodate projects that will result in increased~~
11 ~~demands on water supplies.~~

12 ~~(b) It is, therefore, the intent of the Legislature to provide a~~
13 ~~standardized process for determining the adequacy of existing and~~
14 ~~planned future water supplies to meet existing and planned future~~
15 ~~demands on these water supplies.~~

16 ~~(c) Upon receiving, pursuant to Section 65352, notification of~~
17 ~~a city’s or a county’s proposed action to adopt or substantially~~
18 ~~amend a general plan, a public water system, as defined in Section~~
19 ~~116275 of the Health and Safety Code, with 3,000 or more service~~
20 ~~connections, shall provide the planning agency with the following~~
21 ~~information, as is appropriate and relevant:~~

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

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

27 ~~(3) A description of the source or sources of the total water~~
28 ~~supply currently available to the water supplier by water right or~~
29 ~~contract, taking into account historical data concerning wet, normal,~~
30 ~~and dry runoff years.~~

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

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

35 ~~(6) A description of all proposed additional sources of water~~
36 ~~supplies for the water supplier, including the estimated dates by~~
37 ~~which these additional sources should be available and the~~
38 ~~quantities of additional water supplies that are being proposed.~~

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

- 4 ~~(A) Agricultural users.~~
- 5 ~~(B) Commercial users.~~
- 6 ~~(C) Industrial users.~~
- 7 ~~(D) Residential users.~~

8 ~~(8) Quantification of the expected reduction in total water~~
9 ~~demand, identified by each customer category set forth in paragraph~~
10 ~~(7), associated with future implementation of water use reduction~~
11 ~~measures identified in the water supplier’s urban water~~
12 ~~management plan.~~

13 ~~(9) Any additional information that is relevant to determining~~
14 ~~the adequacy of existing and planned future water supplies to meet~~
15 ~~existing and planned future demands on these water supplies.~~

16 ~~(d) Upon receiving, pursuant to Section 65352, notification of~~
17 ~~a city’s or a county’s proposed action to adopt or substantially~~
18 ~~amend a general plan, a local agency that has adopted a~~
19 ~~groundwater management plan, or that otherwise manages~~
20 ~~groundwater pursuant to other provisions of law or a court order,~~
21 ~~judgment, or decree, or the State Water Resources Control Board~~
22 ~~if it has adopted a groundwater management plan pursuant to~~
23 ~~Section 10747 of the Water Code, shall provide the planning~~
24 ~~agency with maps of recharge basins, percolation ponds, and any~~
25 ~~other information that is appropriate and relevant.~~

26 ~~SEC. 5.— Section 113 is added to the Water Code, to read:~~

27 ~~113. (a) It is the policy of the state that groundwater resources~~
28 ~~be managed sustainably.~~

29 ~~(b) Sustainable groundwater management mean the management~~
30 ~~of a groundwater basin to provide for multiple long-term benefits~~
31 ~~without resulting in or aggravating conditions that cause significant~~
32 ~~economic, social, or environmental impacts such as long-term~~
33 ~~overdraft, land subsidence, ecosystem degradation, depletions from~~
34 ~~surface water bodies, and water quality degradation, in order to~~
35 ~~protect the resource for future generations.~~

36 ~~SEC. 6.— Part 2.74 (commencing with Section 10720) is added~~
37 ~~to Division 6 of the Water Code, to read:~~

1 PART 2.74. SUSTAINABLE GROUNDWATER
2 MANAGEMENT

3
4 CHAPTER 1. GENERAL PROVISIONS

5
6 10720. ~~This part may be known, and may be cited, as the~~
7 ~~Sustainable Groundwater Management Act.~~

8 10721. ~~In enacting this part, it is the intent of the Legislature~~
9 ~~to do all of the following:~~

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

12 ~~(b) To provide local groundwater agencies with the authority~~
13 ~~and assistance necessary to sustainably manage groundwater.~~

14 ~~(c) To provide that if no local groundwater agency or agencies~~
15 ~~provide sustainable groundwater management for a groundwater~~
16 ~~basin or subbasin, the state has the authority to develop and~~
17 ~~implement a sustainable groundwater management plan until the~~
18 ~~time the local groundwater management agency or agencies can~~
19 ~~assume management of the basin or subbasin.~~

20 10722. ~~This part applies to all groundwater basins in the state.~~

21
22 CHAPTER 2. DEFINITIONS

23
24 10725. ~~Unless the context otherwise requires, the following~~
25 ~~definitions govern the construction of this part:~~

26 ~~(a) “Groundwater” means all water beneath the surface of the~~
27 ~~earth within the zone below the water table in which the soil is~~
28 ~~completely saturated with water, but does not include water that~~
29 ~~flows in known and definite channels.~~

30 ~~(b) “Groundwater basin” means any basin or subbasin identified~~
31 ~~in the department’s Bulletin No. 118, dated September 1975, and~~
32 ~~any amendments to that bulletin.~~

33 ~~(c) “Groundwater extraction facility” means a device or method~~
34 ~~for the extraction of groundwater within a groundwater basin.~~

35 ~~(d) “Groundwater management agency” means one or more~~
36 ~~local agencies formed to develop and implement the provisions of~~
37 ~~this part.~~

38 ~~(e) “Groundwater recharge” means the augmentation of~~
39 ~~groundwater, by natural or artificial means, with surface water or~~
40 ~~recycled water.~~

- 1 (f) “Local agency” means a local public agency that has water
2 management or land use responsibilities within the groundwater
3 basin.
- 4 (g) “Overdraft” means the condition of the groundwater basin
5 where the average annual amount of water extracted exceeds the
6 average annual supply of water to groundwater.
- 7 (h) “Recharge area” means the area that supplies water to an
8 aquifer in a groundwater basin and includes multiple wellhead
9 protection areas.
- 10 (i) “Sustainable groundwater management” means the
11 management of a groundwater basin to provide for multiple
12 long-term benefits without resulting in or aggravating conditions
13 that cause significant economic, social, or environmental impacts
14 such as long-term overdraft, land subsidence, ecosystem
15 degradation, depletions from surface water bodies, and water
16 quality degradation, in order to protect the resource for present
17 and future generations.
- 18 (j) “Sustainable groundwater management plan” or “plan” means
19 a document that describes the activities intended to be included in
20 a groundwater management program.
- 21 (k) “Sustainable groundwater management program” or
22 “program” means a coordinated and ongoing activity undertaken
23 for the benefit of a groundwater basin, or a portion of a
24 groundwater basin, pursuant to a groundwater management plan
25 adopted pursuant to this part.
- 26 (l) “Sustainable yield” means the average annual quantity of
27 groundwater that can be withdrawn over a specified planning
28 timeframe from a groundwater basin without resulting in or
29 aggravating conditions of sustainable groundwater management.
- 30 (m) “Water budget” means an accounting of the total
31 groundwater and surface entering and leaving a basin including
32 the changes in the amount of water stored.
- 33 (n) “Watermaster” means a watermaster appointed by a court
34 or pursuant to other provisions of law.
- 35 (o) “Wellhead protection area” means the surface and subsurface
36 area surrounding a water well or well field that supplies a public
37 water system through which contaminants are reasonably likely
38 to migrate toward the water well or well field.

~~CHAPTER 2.5. BASIN AND SUBBASIN PRIORITY~~

~~10726. (a) Pursuant to Section 10933, the department shall categorize each basin and subbasin as one of the following priorities:~~

- ~~(1) High priority.~~
- ~~(2) Medium priority.~~
- ~~(3) Low priority.~~
- ~~(4) Very low priority.~~

~~(b) (1) No later than January 1, 2018, the Department of Fish and Wildlife, in collaboration with the department, shall identify those basins and subbasins where species and ecosystems are vulnerable to existing or future groundwater conditions.~~

~~(2) The department shall revise the priorities for those basins and subbasins identified in paragraph (1) as appropriate.~~

~~CHAPTER 3. GROUNDWATER MANAGEMENT AGENCY FORMATION~~

~~10730. It is the intent of the Legislature that the groundwater subbasin, or basin when no subbasin is defined, as identified by Bulletin 118, is the most appropriate geographic boundary for groundwater management.~~

~~10730.1. Any local agency or combination of local agencies may establish a groundwater management agency.~~

~~10730.2. Before establishing a groundwater management agency, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the subbasin or basin to discuss requirements of this part.~~

~~10730.3. The groundwater management agency shall be formed and managed to provide that the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing sustainable groundwater management plans, are appropriately considered. These interests include, but are not limited to, all of the following:~~

- ~~(a) Holders of overlying groundwater rights, including:~~
 - ~~(1) Agricultural users.~~
 - ~~(2) Domestic well owners.~~
- ~~(b) Municipal well operators.~~
- ~~(c) Local land use planning agencies.~~

1 ~~(d) Environmental users of groundwater.~~
 2 ~~(e) Surface water users, if there is a hydrologic connection~~
 3 ~~between surface and groundwater bodies.~~

4 ~~(f) _____.~~

5 ~~10730.4. The groundwater management agency shall establish~~
 6 ~~and maintain a list of persons interested in receiving notices~~
 7 ~~regarding plan preparation, meeting announcements, and~~
 8 ~~availability of draft plans, maps, and other relevant documents.~~
 9 ~~Any person may request, in writing, to be placed on the list of~~
 10 ~~interested persons.~~

11 ~~10730.5. A combination of local agencies may form a~~
 12 ~~groundwater management agency by using any of the following~~
 13 ~~methods:~~

14 ~~(a) A joint powers agreement.~~

15 ~~(b) A memorandum of agreement or other legal agreement.~~

16 ~~10730.6. (a) A local agency may request a change to the~~
 17 ~~boundaries of a groundwater basin or subbasin to the department~~
 18 ~~in order to form groundwater management agencies.~~

19 ~~(b) The department shall establish procedures and standards for~~
 20 ~~local agencies and groundwater management agencies regarding~~
 21 ~~the determination and modification of basin and subbasin~~
 22 ~~boundaries for the implementation of this part.~~

23 ~~10730.7. A groundwater management agency shall inform the~~
 24 ~~state board of the formation of the groundwater management~~
 25 ~~agency and its intent to undertake sustainable groundwater~~
 26 ~~management. The notification shall include the following~~
 27 ~~information:~~

28 ~~(a) The service area boundaries, the basin or subbasin the agency~~
 29 ~~is managing, and the other groundwater management agencies~~
 30 ~~operating within the subbasin.~~

31 ~~(b) A copy of the resolution forming the new agency.~~

32 ~~(c) A copy of the bylaws, ordinances, and new authorities.~~

33
 34 ~~CHAPTER 4. SUSTAINABLE GROUNDWATER MANAGEMENT~~
 35 ~~PLANS~~
 36

37 ~~10735. (a) A sustainable groundwater management plan shall~~
 38 ~~be developed by a groundwater management agency to meet the~~
 39 ~~requirements of this part.~~

1 ~~(b) A sustainable groundwater management plan shall~~
2 ~~encompass an entire basin or subbasin. If more than one~~
3 ~~groundwater management agency is managing within a basin or~~
4 ~~subbasin, the agencies shall jointly develop a plan to ensure all~~
5 ~~agencies are coordinated and a common set of objectives to address~~
6 ~~the management of the basin or subbasin are in place.~~

7 ~~(c) A sustainable groundwater management plan shall describe~~
8 ~~how the groundwater management agency will achieve sustainable~~
9 ~~groundwater management in the basin or subbasin within the~~
10 ~~following timeframes:~~

11 ~~(1) For basins and subbasins identified by the department as~~
12 ~~high and medium priority, a sustainable groundwater management~~
13 ~~plan shall be completed and submitted to the department by January~~
14 ~~1, 2020. The plan shall be designed to achieve sustainable~~
15 ~~groundwater management within 20 years of the plan's adoption,~~
16 ~~with progress reports submitted to the department and the board~~
17 ~~every five years.~~

18 ~~(2) For basins and subbasins identified by the department as~~
19 ~~low or very low priority, sustainable groundwater management~~
20 ~~plans may be submitted to the department.~~

21 ~~(d) The department, in consultation with the board, shall~~
22 ~~establish the minimum standards for development of sustainable~~
23 ~~groundwater management plans, which shall include:~~

24 ~~(1) An identification of the geographic boundaries, physical~~
25 ~~characteristics of the basin, and mapping of those features that~~
26 ~~affect groundwater management.~~

27 ~~(2) Identification of physical interactions of impacts across~~
28 ~~subbasin boundaries.~~

29 ~~(3) A water budget and sustainable yield of the subbasin.~~

30 ~~(4) Data identifying the extent of the impacts and measurable~~
31 ~~objectives to reduce the impacts associated with long-term~~
32 ~~overdraft, water quality, subsidence, surface water flows, and~~
33 ~~groundwater dependent ecosystems in the subbasin.~~

34 ~~(5) Interim milestones and final targets with measurable~~
35 ~~objectives that demonstrate progress toward achieving sustainable~~
36 ~~groundwater management.~~

37 ~~(6) Descriptions of management objectives to achieve~~
38 ~~sustainability in the groundwater basin or subbasin, including~~
39 ~~monitoring and management actions.~~

1 ~~(e) The department, in consultation with the board, shall~~
2 ~~establish a process to certify a groundwater management plan~~
3 ~~which was in place before January 1, 2015, and has been~~
4 ~~established by local agencies or through adjudication, if the plan~~
5 ~~substantially meets the purposes and goals of this part. The~~
6 ~~department in consultation with the board, shall identify~~
7 ~~amendments or additions necessary to certify a groundwater~~
8 ~~management plan which was in place before January 1, 2015,~~
9 ~~under this subdivision wherever feasible. Final certification shall~~
10 ~~be provided by the board.~~

11 ~~10736. Before initiating the plan development, a groundwater~~
12 ~~management agency preparing a groundwater management plan~~
13 ~~shall convene a scoping session of all interested parties, including,~~
14 ~~but not limited to, those described in Section 10730.3.~~

15 ~~10737. (a) A local agency shall do the following to meet this~~
16 ~~part:~~

17 ~~(1) Prepare and implement a sustainable groundwater~~
18 ~~management plan that includes basin management objectives for~~
19 ~~the groundwater basin that is subject to the plan. The plan shall~~
20 ~~include components relating to the monitoring and management~~
21 ~~of groundwater levels within the groundwater basin, groundwater~~
22 ~~quality degradation, inelastic land surface subsidence, changes in~~
23 ~~surface flow and surface water quality that directly affect~~
24 ~~groundwater levels or quality or are caused by groundwater~~
25 ~~pumping in the basin, and a description of how recharge areas~~
26 ~~identified in the plan substantially contribute to the replenishment~~
27 ~~of the groundwater basin. For purposes of implementing this~~
28 ~~paragraph, all of the following shall apply:~~

29 ~~(A) The local agency shall prepare a plan to work cooperatively~~
30 ~~with other public entities whose service area or boundary overlies~~
31 ~~the groundwater basin.~~

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

38 ~~(C) The groundwater management plan shall include a map~~
39 ~~identifying the recharge areas for the groundwater basin. The local~~
40 ~~agency shall provide the map to the appropriate local planning~~

1 agencies after adoption of the groundwater management plan and
2 shall notify the department and all persons on the list established
3 and maintained pursuant to Section 10730.4. For purposes of this
4 subparagraph, “map identifying the recharge areas” means a map
5 that identifies, or maps that identify, the current recharge areas
6 that substantially contribute to the replenishment of the
7 groundwater basin.

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

16 ~~(b) Upon the adoption of a groundwater management plan in~~
17 ~~accordance with this part, the local agency shall submit a copy of~~
18 ~~the plan to the department, in an electronic format approved by~~
19 ~~the department, if practicable. The department shall make available~~
20 ~~to the public copies of the plan received pursuant to this part.~~

21 ~~10738. In addition to the elements required under Section~~
22 ~~10737, a sustainable groundwater management plan shall include~~
23 ~~provisions for the following components. If one or more elements~~
24 ~~are not relevant to the specific basin or subbasin, the plan shall~~
25 ~~explain why that element is unnecessary.~~

26 ~~(a) Controlling of saline water intrusion.~~

27 ~~(b) Identifying and managing wellhead protection areas and~~
28 ~~recharge areas.~~

29 ~~(c) Regulating the migration of contaminated groundwater.~~

30 ~~(d) Administering a well abandonment and well destruction~~
31 ~~program.~~

32 ~~(e) Mitigating or avoiding conditions of overdraft.~~

33 ~~(f) Replenishing groundwater extracted by water producers.~~

34 ~~(g) Regulating groundwater extractions.~~

35 ~~(h) Monitoring and reporting, including, but not limited to,~~
36 ~~reasonable requirements for monitoring and reporting by persons~~
37 ~~or entities that extract groundwater or divert water to underground~~
38 ~~storage, of groundwater extractions, levels, and storage.~~

39 ~~(i) Facilitating conjunctive use operations.~~

40 ~~(j) Establishing well construction policies.~~

1 ~~(k) Constructing and operating by the local agency of~~
2 ~~groundwater contamination cleanup, recharge, storage,~~
3 ~~conservation, water recycling, and extraction projects.~~

4 ~~(l) Developing relationships with state and federal regulatory~~
5 ~~agencies.~~

6 ~~(m) Reviewing land use plans and coordination with land use~~
7 ~~planning agencies to assess activities that create a reasonable risk~~
8 ~~of groundwater contamination.~~

9 ~~(n) Establishing and implementing a dispute resolution~~
10 ~~processes.~~

11 10739. ~~Upon adoption of a plan, a copy of the plan shall be~~
12 ~~provided to the following:~~

13 ~~(a) _____.~~

14
15 ~~CHAPTER 5. GROUNDWATER MANAGEMENT AGENCY POWERS~~
16 ~~AND AUTHORITIES~~
17

18 10740. ~~In addition to other powers granted by law, a~~
19 ~~groundwater management agency that meets the requirements of~~
20 ~~Chapter 3 (commencing with Section 10730) may do all of the~~
21 ~~following:~~

22 ~~(a) Develop a sustainable groundwater plan pursuant to this~~
23 ~~part.~~

24 ~~(b) Establish a program for the monitoring, measuring, and~~
25 ~~reporting on groundwater conditions.~~

26 ~~(c) Require reports on groundwater extraction.~~

27 ~~(d) Establish a system for allocating groundwater based on~~
28 ~~sustainable yield of the basin and manage pumping with public~~
29 ~~notice and sound technical studies.~~

30 ~~(e) Establish and collect fees for the management of~~
31 ~~groundwater.~~

32 ~~(f) Establish a system for the approval of local voluntary~~
33 ~~transfers within a basin or subbasin.~~

34 10741. ~~Commencing January 1, 2018, the groundwater~~
35 ~~management agency shall prepare an annual report and provide~~
36 ~~public notice of the annual report. The report shall include a~~
37 ~~summary of the agency's characterization of the basin, water~~
38 ~~budget, sustainable yield, and status of the groundwater~~
39 ~~management plan development or implementation, and associated~~
40 ~~data.~~

1 ~~CHAPTER 6. TECHNICAL ASSISTANCE~~

2
3 ~~10742. The department shall provide technical assistance to~~
4 ~~groundwater management agencies and develop and manage~~
5 ~~statewide groundwater information. This shall include, but is not~~
6 ~~limited to, the following:~~

7 ~~(a) Developing of best management practices and guidelines to~~
8 ~~assist groundwater agencies in the development and~~
9 ~~implementation of sustainable groundwater management plans.~~

10 ~~(b) Reporting on statewide groundwater basin characterization.~~

11 ~~(c) Initiating a subsidence monitoring and assessment program~~
12 ~~in coordination with the United States Geological Survey.~~

13
14 ~~CHAPTER 7. ENFORCEMENT~~

15
16 ~~10745. If, by January 1, 2018, a local agency or agencies has~~
17 ~~not initiated a sustainable groundwater management plan for a~~
18 ~~groundwater basin that the department has determined is a high-~~
19 ~~or medium-priority basin pursuant to Section 10726, the department~~
20 ~~shall:~~

21 ~~(a) Contact those local agencies that are authorized by law to~~
22 ~~provide water service or whose land use jurisdiction overlays the~~
23 ~~groundwater basin and offer to assist in the establishment of a local~~
24 ~~groundwater management agency.~~

25 ~~(b) If, within 60 days of the department's initial notice pursuant~~
26 ~~to subdivision (a), a local agency or agencies has not agreed to~~
27 ~~establish a local groundwater management agency, the department~~
28 ~~shall refer the matter to the board, indicating the priority the~~
29 ~~department gives to the establishment of sustainable groundwater~~
30 ~~management of the subbasin.~~

31 ~~10746. (a) Each groundwater agency that is required to~~
32 ~~complete a groundwater management plan pursuant to paragraph~~
33 ~~(1) of subdivision (c) of Section 10735 shall submit the plan to the~~
34 ~~department for review by January 1, 2020, and shall a submit~~
35 ~~progress report every 5 years thereafter.~~

36 ~~(b) Upon receipt of the plan on or before January 1, 2020, or~~
37 ~~the progress report, the department shall provide a selected review~~
38 ~~and analysis of the sustainable groundwater management plan, or~~
39 ~~progress report, and shall submit a report of compliance to the~~
40 ~~state board.~~

1 10747. (a) The board, after written notice and public hearing,
2 may initiate a process to have a qualified third party develop a
3 groundwater management plan for the basin or subbasin, including
4 monitoring and reporting, restrictions on groundwater extraction,
5 and the collection of fees, for a groundwater basin based on either
6 of the following:

7 (1) The groundwater basin has been identified as a high- or
8 medium-priority basin by the department and a local agency has
9 not initiated the development of a sustainable groundwater
10 management plan on or before January 1, 2018.

11 (2) The groundwater basin has been identified as a high- or
12 medium-priority basin by the department and the board finds that
13 the sustainable groundwater management plan submitted on or
14 before January 1, 2020, fails to meet the standards and requirements
15 of this part.

16 (b) The board may adopt and enforce the sustainable
17 groundwater management plan developed pursuant to subdivision
18 (a).

19 10748. The board, after written notice and public hearing, may
20 initiate enforcement of a sustainable groundwater management
21 plan adopted by the groundwater management agency, including
22 monitoring and reporting, restrictions on groundwater extraction,
23 and the collection of fees, for a groundwater basin if the
24 groundwater basin has been identified as a high- or
25 medium-priority basin by the department and the groundwater
26 management agency has not made progress to meet its five-year
27 milestone and measurable objectives identified in its plan.

28 10749. Before adoption or enforcement of a sustainable
29 groundwater management plan pursuant to Section 10747 or 10748,
30 respectively, the board shall identify the measures necessary to
31 bring the plan or the plan's implementation into compliance with
32 this part and allow the groundwater management agency to correct
33 the deficiencies within a reasonable period of time. The department
34 shall provide technical assistance as needed for this purpose.

35 10749.5. The board, in consultation with the department, shall
36 make all reasonable efforts to transfer management of a
37 groundwater basin back to local agencies in compliance with this
38 part at the earliest feasible date.

39 SEC. 7. Section 10750.11 is added to the Water Code, to read:

1 10750.11.— Commencing January 1, 2015, a new plan shall not
2 be adopted and an existing plan shall not be renewed pursuant to
3 this part. A plan adopted before January 1, 2015, shall remain in
4 effect until a sustainable groundwater management plan is adopted
5 pursuant to Part 2.74 (commencing with Section 10720):

6 ~~SEC. 8.— Section 10927 of the Water Code is amended to read:~~

7 10927. Any of the following entities may assume responsibility
8 for monitoring and reporting groundwater elevations in all or a
9 part of a basin or subbasin in accordance with this part:

10 (a) A watermaster or water management engineer appointed by
11 a court or pursuant to statute to administer a final judgment
12 determining rights to groundwater.

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

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

21 (3) A groundwater management agency with statutory authority
22 to manage groundwater pursuant to Part 2.74 (commencing with
23 Section 10720):

24 (e) A local agency that is managing all or part of a groundwater
25 basin or subbasin pursuant to Part 2.75 (commencing with Section
26 10750) and that was monitoring groundwater elevations in all or
27 a part of a groundwater basin or subbasin on or before January 1,
28 2010, or a local agency or county that is managing all or part of a
29 groundwater basin or subbasin pursuant to any other legally
30 enforceable groundwater management plan with provisions that
31 are substantively similar to those described in that part and that
32 was monitoring groundwater elevations in all or a part of a
33 groundwater basin or subbasin on or before January 1, 2010.

34 (d) A local agency that is managing all or part of a groundwater
35 basin or subbasin pursuant to an integrated regional water
36 management plan prepared pursuant to Part 2.2 (commencing with
37 Section 10530) that includes a groundwater management
38 component that complies with the requirements of Section 10753.7.

39 (e) A local agency that has been collecting and reporting
40 groundwater elevations and that does not have an adopted

1 ~~groundwater management plan, if the local agency adopts a~~
2 ~~groundwater management plan in accordance with Part 2.75~~
3 ~~(commencing with Section 10750) by January 1, 2014. The~~
4 ~~department may authorize the local agency to conduct the~~
5 ~~monitoring and reporting of groundwater elevations pursuant to~~
6 ~~this part on an interim basis, until the local agency adopts a~~
7 ~~groundwater management plan in accordance with Part 2.75~~
8 ~~(commencing with Section 10750) or until January 1, 2014,~~
9 ~~whichever occurs first.~~

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

14 ~~(g) A voluntary cooperative groundwater monitoring association~~
15 ~~formed pursuant to Section 10935.~~

16 ~~SEC. 9. Section 10933 of the Water Code is amended to read:~~

17 ~~10933. (a) On or before January 1, 2012, the department shall~~
18 ~~commence to identify the extent of monitoring of groundwater~~
19 ~~elevations that is being undertaken within each basin and subbasin.~~

20 ~~(b) The department shall prioritize groundwater basins and~~
21 ~~subbasins for the purpose of implementing this section and Part~~
22 ~~2.74 (commencing with Section 10720). The department shall~~
23 ~~review available groundwater data and update the groundwater~~
24 ~~basins and subbasins in 2020 and every five years thereafter. In~~
25 ~~prioritizing the basins and subbasins, the department shall, to the~~
26 ~~extent data are available, consider all of the following:~~

27 ~~(1) The population overlying the basin or subbasin.~~

28 ~~(2) The rate of current and projected growth of the population~~
29 ~~overlying the basin or subbasin.~~

30 ~~(3) The number of public supply wells that draw from the basin~~
31 ~~or subbasin.~~

32 ~~(4) The total number of wells that draw from the basin or~~
33 ~~subbasin.~~

34 ~~(5) The irrigated acreage overlying the basin or subbasin.~~

35 ~~(6) The degree to which persons overlying the basin or subbasin~~
36 ~~rely on groundwater as their primary source of water.~~

37 ~~(7) Any documented impacts on the groundwater within the~~
38 ~~basin or subbasin, including overdraft, subsidence, saline intrusion,~~
39 ~~and other water quality degradation.~~

- 1 ~~(8) Any other information determined to be relevant by the~~
2 ~~department.~~
- 3 ~~(e) If the department determines that all or part of a basin or~~
4 ~~subbasin is not being monitored pursuant to this part, the~~
5 ~~department shall do all of the following:~~
- 6 ~~(1) Attempt to contact all well owners within the area not being~~
7 ~~monitored.~~
- 8 ~~(2) Determine if there is an interest in establishing any of the~~
9 ~~following:~~
- 10 ~~(A) A groundwater management plan pursuant to Part 2.75~~
11 ~~(commencing with Section 10750).~~
- 12 ~~(B) An integrated regional water management plan pursuant to~~
13 ~~Part 2.2 (commencing with Section 10530) that includes a~~
14 ~~groundwater management component that complies with the~~
15 ~~requirements of Section 10753.7.~~
- 16 ~~(C) A voluntary groundwater monitoring association pursuant~~
17 ~~to Section 10935.~~
- 18 ~~(d) If the department determines that there is sufficient interest~~
19 ~~in establishing a plan or association described in paragraph (2) of~~
20 ~~subdivision (e), or if the county agrees to perform the groundwater~~
21 ~~monitoring functions in accordance with this part, the department~~
22 ~~shall work cooperatively with the interested parties to comply with~~
23 ~~the requirements of this part within two years.~~
- 24 ~~(e) If the department determines, with regard to a basin or~~
25 ~~subbasin, that there is insufficient interest in establishing a plan~~
26 ~~or association described in paragraph (2) of subdivision (e), and~~
27 ~~if the county decides not to perform the groundwater monitoring~~
28 ~~and reporting functions of this part, the department shall do all of~~
29 ~~the following:~~
- 30 ~~(1) Identify any existing monitoring wells that overlie the basin~~
31 ~~or subbasin that are owned or operated by the department or any~~
32 ~~other state or federal agency.~~
- 33 ~~(2) Determine whether the monitoring wells identified pursuant~~
34 ~~to paragraph (1) provide sufficient information to demonstrate~~
35 ~~seasonal and long-term trends in groundwater elevations.~~
- 36 ~~(3) If the department determines that the monitoring wells~~
37 ~~identified pursuant to paragraph (1) provide sufficient information~~
38 ~~to demonstrate seasonal and long-term trends in groundwater~~
39 ~~elevations, the department shall not perform groundwater~~
40 ~~monitoring functions pursuant to Section 10933.5.~~

1 ~~(4) If the department determines that the monitoring wells~~
2 ~~identified pursuant to paragraph (1) provide insufficient~~
3 ~~information to demonstrate seasonal and long-term trends in~~
4 ~~groundwater elevations, the department shall perform groundwater~~
5 ~~monitoring functions pursuant to Section 10933.5.~~
6 ~~SEC. 10. If the Commission on State Mandates determines~~
7 ~~that this act contains costs mandated by the state, reimbursement~~
8 ~~to local agencies and school districts for those costs shall be made~~
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
10 ~~4 of Title 2 of the Government Code.~~