

AMENDED IN ASSEMBLY AUGUST 19, 2014

AMENDED IN ASSEMBLY AUGUST 6, 2014

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)

(Coauthor: Assembly Member Rendon)

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 348, 1120, 1552, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than ~~January 1, 2017~~ *31, 2015*. This bill would authorize a local agency to request that the department revise the boundaries of a basin *and would require the department, by January 1, 2016, to develop and publish the methodology and criteria to be used to evaluate the proposed revision.* This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

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

This bill, with certain exceptions, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being renewed.

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, 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 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, *and to regulate groundwater extraction, and to impose certain fees extraction.*

~~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 adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop certain guidelines. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative that the local agency believes satisfies the objectives of these provisions. This bill would require the department to review any of the~~

~~above-described submissions at least every 5 years after initial submission to the department. This bill would 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.~~

~~(4) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for, among other things, the administration of the State Water Resources Control Board's water rights program.~~

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

~~Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day~~

in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

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

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

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

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

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

~~(6) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.~~

~~This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and~~

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

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

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

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

~~(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

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

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

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

~~This bill would make legislative findings to that effect.~~

~~(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*~~

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would make its operation contingent on the enactment of AB 1739 of the 2013–14 Regular Session.

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

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

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

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

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

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

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

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

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 a

1 local groundwater management agency can sustainably manage
2 the groundwater basin or subbasin.

3 (10) Information on the amount of groundwater extraction,
4 natural and artificial recharge, and groundwater evaluations are
5 critical for effective management of groundwater.

6 (11) Sustainable groundwater management in California depends
7 upon creating more opportunities for robust conjunctive
8 management of surface water and groundwater resources. Climate
9 change will intensify the need to recalibrate and reconcile surface
10 water and groundwater management strategies.

11 (b) ~~It is therefore~~ *is, therefore*, the intent of the Legislature to
12 do all of the following:

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

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

21 (3) To require the development and reporting of those data
22 necessary to support sustainable groundwater management,
23 including those data that help describe the basin's geology, the
24 short- and long-term trends of the basin's water balance, and other
25 measures of sustainability, and those data necessary to resolve
26 disputes regarding sustainable yield, beneficial uses, and water
27 rights.

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

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

32 ~~SEC. 2. Section 65350.5 is added to the Government Code, to~~
33 ~~read:~~

34 ~~65350.5. Before the adoption or any substantial amendment~~
35 ~~of a city's or county's general plan, the planning agency shall~~
36 ~~review and consider all of the following:~~

37 (a) ~~An adoption of, or update to, a groundwater sustainability~~
38 ~~plan or groundwater management plan pursuant to Part 2.74~~
39 ~~(commencing with Section 10720) or Part 2.75 (commencing with~~

1 ~~Section 10750) of Division 6 of the Water Code or groundwater~~
2 ~~management court order, judgment, or decree.~~

3 ~~(b) An adjudication of water rights.~~

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

7 ~~SEC. 3. Section 65352 of the Government Code is amended~~
8 ~~to read:~~

9 ~~65352. (a) Before a legislative body takes action to adopt or~~
10 ~~substantially amend a general plan, the planning agency shall refer~~
11 ~~the proposed action to all of the following entities:~~

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

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

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

18 ~~(4) An areawide planning agency whose operations may be~~
19 ~~significantly affected by the proposed action, as determined by the~~
20 ~~planning agency.~~

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

24 ~~(6) (A) The branches of the United States Armed Forces that~~
25 ~~have provided the Office of Planning and Research with a~~
26 ~~California mailing address pursuant to subdivision (d) of Section~~
27 ~~65944, if the proposed action is within 1,000 feet of a military~~
28 ~~installation, or lies within special use airspace, or beneath a~~
29 ~~low-level flight path, as defined in Section 21098 of the Public~~
30 ~~Resources Code, and if the United States Department of Defense~~
31 ~~provides electronic maps of low-level flight paths, special use~~
32 ~~airspace, and military installations at a scale and in an electronic~~
33 ~~format that is acceptable to the Office of Planning and Research.~~

34 ~~(B) Within 30 days of a determination by the Office of Planning~~
35 ~~and Research that the information provided by the Department of~~
36 ~~Defense is sufficient and in an acceptable scale and format, the~~
37 ~~office shall notify cities, counties, and cities and counties of the~~
38 ~~availability of the information on the Internet. Cities, counties, and~~
39 ~~cities and counties shall comply with subparagraph (A) within 30~~
40 ~~days of receiving this notice from the office.~~

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

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

14 ~~(9) The State Water Resources Control Board, if it has adopted~~
15 ~~an interim plan pursuant to Chapter 11 (commencing with Section~~
16 ~~10735) of Part 2.74 of Division 6 of the Water Code that includes~~
17 ~~territory within the planning area of the proposed general plan.~~

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

20 ~~(11) A California Native American tribe, that is on the contact~~
21 ~~list maintained by the Native American Heritage Commission and~~
22 ~~that has traditional lands located within the city's or county's~~
23 ~~jurisdiction.~~

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

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

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

34 ~~(2) To the extent that the requirements of this section conflict~~
35 ~~with the requirements of Chapter 4.4 (commencing with Section~~
36 ~~65919), the requirements of Chapter 4.4 shall prevail.~~

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

39 ~~65352.5. (a) The Legislature finds and declares that it is vital~~
40 ~~that there be close coordination and consultation between~~

1 California's water supply or management agencies and California's
2 land-use approval agencies to ensure that proper water supply and
3 management planning occurs to accommodate projects that will
4 result in increased demands on water supplies or impact water
5 resource management.

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

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

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

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

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

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

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

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

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

38 (A) ~~Agricultural users.~~

39 (B) ~~Commercial users.~~

40 (C) ~~Industrial users.~~

1 ~~(D) Residential users.~~

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

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

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

15 ~~(d) Upon receiving, pursuant to Section 65352, notification of~~
16 ~~a city's or a county's proposed action to adopt or substantially~~
17 ~~amend a general plan, a groundwater sustainability agency, as~~
18 ~~defined in Section 10721 of the Water Code, shall provide the~~
19 ~~planning agency with the following information, as is appropriate~~
20 ~~and relevant:~~

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

24 ~~(2) If the groundwater sustainability agency manages~~
25 ~~groundwater pursuant to a court order, judgment, decree, or~~
26 ~~agreement among affected water rights holders, or if the State~~
27 ~~Water Resources Control Board has adopted an interim plan~~
28 ~~pursuant to Chapter 11 (commencing with Section 10735) of Part~~
29 ~~2.74 of Division 6 of the Water Code, the groundwater~~
30 ~~sustainability agency shall provide the planning agency with maps~~
31 ~~of recharge basins and percolation ponds, extraction limitations,~~
32 ~~and other relevant information, or the court order, judgment, or~~
33 ~~decree.~~

34 ~~SEC. 5.~~

35 *SEC. 2.* Section 113 is added to the Water Code, to read:

36 113. It is the policy of the state that groundwater resources be
37 managed sustainably for long-term reliability and multiple
38 economic, social, and environmental benefits for current and future
39 beneficial uses. Sustainable groundwater management is best

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

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

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

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

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

26 ~~1120. This chapter applies to any decision or order issued under~~
27 ~~this part or Section 275, Part 2 (commencing with Section 1200),~~
28 ~~Part 2 (commencing with Section 10500) of Division 6, Chapter~~
29 ~~11 (commencing with Section 10735) of Part 2.74 of Division 6,~~
30 ~~Article 7 (commencing with Section 13550) of Chapter 7 of~~
31 ~~Division 7, or the public trust doctrine.~~

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

33 ~~1529.5. (a) The board shall adopt a schedule of fees pursuant~~
34 ~~to Section 1530 to recover costs incurred in administering Chapter~~
35 ~~11 (commencing with Section 10735) of Part 2.74 of Division 6.~~
36 ~~Recoverable costs include, but are not limited to, costs incurred~~
37 ~~in connection with investigations, facilitation, monitoring, hearings,~~
38 ~~enforcement, and administrative costs in carrying out these actions.~~

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

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

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

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

14 ~~SEC. 9. Section 1552 of the Water Code is amended to read:~~

15 ~~1552. The money in the Water Rights Fund is available for~~
16 ~~expenditure, upon appropriation by the Legislature, for the~~
17 ~~following purposes:~~

18 ~~(a) For expenditure by the State Board of Equalization in the~~
19 ~~administration of this chapter and the Fee Collection Procedures~~
20 ~~Law (Part 30 (commencing with Section 55001) of Division 2 of~~
21 ~~the Revenue and Taxation Code) in connection with any fee or~~
22 ~~expense subject to this chapter.~~

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

26 ~~(c) For expenditure by the board for the purposes of carrying~~
27 ~~out this division, Division 1 (commencing with Section 100), Part~~
28 ~~2 (commencing with Section 10500) and Chapter 11 (commencing~~
29 ~~with Section 10735) of Part 2.74 of Division 6, and Article 7~~
30 ~~(commencing with Section 13550) of Chapter 7 of Division 7.~~

31 ~~(d) For expenditures by the board for the purposes of carrying~~
32 ~~out Sections 13160 and 13160.1 in connection with activities~~
33 ~~involving hydroelectric power projects subject to licensing by the~~
34 ~~Federal Energy Regulatory Commission.~~

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

38 ~~SEC. 10. Section 1831 of the Water Code is amended to read:~~

39 ~~1831. (a) When the board determines that any person is~~
40 ~~violating, or threatening to violate, any requirement described in~~

1 subdivision (d), the board may issue an order to that person to
2 cease and desist from that violation.

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

5 (e) The board may issue a cease and desist order only after
6 notice and an opportunity for hearing pursuant to Section 1834.

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

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

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

13 (3) Any decision or order of the board issued under this part,
14 Section 275, Chapter 11 (commencing with Section 10735) of Part
15 2.74 of Division 6, or Article 7 (commencing with Section 13550)
16 of Chapter 7 of Division 7, in which decision or order the person
17 to whom the cease and desist order will be issued, or a predecessor
18 in interest to that person, was named as a party directly affected
19 by the decision or order.

20 (4) A regulation adopted under Section 1058.5.

21 (5) Any extraction restriction, limitation, order, or regulation
22 adopted or issued under Chapter 11 (commencing with Section
23 10735) of Part 2.74 of Division 6.

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

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

29

30 PART 5.2. GROUNDWATER EXTRACTION REPORTING
31 FOR PROBATIONARY BASINS AND BASINS WITHOUT A
32 GROUNDWATER SUSTAINABILITY AGENCY

33

34 5200. The Legislature finds and declares that this part
35 establishes groundwater reporting requirements for the purposes
36 of subdivision (b) of Section 10724 and Chapter 11 (commencing
37 with Section 10735) of Part 2.74 of Division 6.

38 5201. As used in this part:

39 (a) "Basin" has the same meaning as defined in Section 10721.

- 1 (b) ~~“Board-designated local area” has the same meaning as~~
2 ~~defined in Section 5009.~~
- 3 (c) ~~“De minimis extractor” has the same meaning as defined in~~
4 ~~Section 10721.~~
- 5 (d) ~~“Groundwater” has the same meaning as defined in Section~~
6 ~~10721.~~
- 7 (e) ~~“Groundwater extraction facility” has the same meaning as~~
8 ~~defined in Section 10721.~~
- 9 (f) ~~“Groundwater sustainability agency” has the same meaning~~
10 ~~as defined in Section 10721.~~
- 11 (g) ~~“Person” has the same meaning as defined in Section 10735.~~
- 12 (h)
- 13 ~~“Probationary basin” has the same meaning as defined in~~
14 ~~Section 10735.~~
- 15 (i) ~~“Personal information” has the same meaning as defined in~~
16 ~~Section 1798.3 of the Civil Code.~~
- 17 (j) ~~“Water year” has the same meaning as defined in Section~~
18 ~~10721.~~
- 19 ~~5202. (a) This section applies to a person who does either of~~
20 ~~the following:~~
- 21 ~~(1) Extracts groundwater from a probationary basin 90 days or~~
22 ~~more after the board designates the basin as a probationary basin~~
23 ~~pursuant to Section 10735.2.~~
- 24 ~~(2) Extracts groundwater on or after January 1, 2017, in an area~~
25 ~~within a basin that is not within the management area of a~~
26 ~~groundwater sustainability agency and where the county does not~~
27 ~~assume responsibility to be the groundwater sustainability agency,~~
28 ~~as provided in subdivision (b) of Section 10724.~~
- 29 ~~(b) Except as provided in subdivision (c), a person subject to~~
30 ~~this section shall file a report of groundwater extraction by~~
31 ~~December 15 of each year for extractions made in the preceding~~
32 ~~water year.~~
- 33 ~~(c) Unless reporting is required pursuant to paragraph (2) of~~
34 ~~subdivision (c) of Section 10735.2, this section does not apply to~~
35 ~~any of the following:~~
- 36 ~~(1) An extraction by a de minimis extractor.~~
- 37 ~~(2) An extraction excluded from reporting pursuant to paragraph~~
38 ~~(1) of subdivision (c) of Section 10735.2.~~
- 39 ~~(3) An extraction reported pursuant to Part 5 (commencing with~~
40 ~~Section 4999).~~

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

7 ~~(d) Except as provided in Section 5209, the report shall be filed~~
8 ~~with the board.~~

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

12 ~~(f) Each report shall be accompanied by the fee imposed~~
13 ~~pursuant to Section 1529.5.~~

14 ~~5203. Each report shall be prepared on a form provided by the~~
15 ~~board. The report shall include all of the following information:~~

16 ~~(a) The name and address of the person who extracted~~
17 ~~groundwater and of the person filing the report.~~

18 ~~(b) The name of the basin from which groundwater was~~
19 ~~extracted.~~

20 ~~(c) The place of groundwater extraction. The location of the~~
21 ~~groundwater extraction facilities shall be depicted on a specific~~
22 ~~United States Geological Survey topographic map or shall be~~
23 ~~identified using the California Coordinate System or a latitude and~~
24 ~~longitude measurement. If assigned, the public land description to~~
25 ~~the nearest 40-acre subdivision and the assessor's parcel number~~
26 ~~shall be provided.~~

27 ~~(d) The capacity of the groundwater extraction facilities.~~

28 ~~(e) Monthly records of groundwater extractions. The~~
29 ~~measurements of the extractions shall be made by a methodology,~~
30 ~~water-measuring device, or combination thereof satisfactory to the~~
31 ~~board.~~

32 ~~(f) The purpose of use.~~

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

39 ~~(h) As near as is known, the year in which the groundwater~~
40 ~~extraction was commenced.~~

1 ~~(i) Any information required pursuant to paragraph (3) of~~
2 ~~subdivision (c) of Section 10735.2.~~

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

7 ~~5204. (a) If a person fails to file a report as required by this~~
8 ~~part, the board may, at the expense of that person, investigate and~~
9 ~~determine the information required to be reported pursuant to this~~
10 ~~part.~~

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

15 ~~5205. A report submitted under this part or a determination of~~
16 ~~facts by the board pursuant to Section 5104 shall not establish or~~
17 ~~constitute evidence of a right to divert or use water.~~

18 ~~5206. Personal information included in a report of groundwater~~
19 ~~extraction shall have the same protection from disclosure as is~~
20 ~~provided for information concerning utility customers of local~~
21 ~~agencies pursuant to Section 6254.16 of the Government Code.~~

22 ~~5207. (a) A prescriptive right to extract groundwater that may~~
23 ~~otherwise occur shall not arise or accrue to, and a statute of~~
24 ~~limitations shall not operate in favor of, a person required to file~~
25 ~~a report pursuant to this part until the person files the report.~~

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

30 ~~5208. Section 5107 applies to a report or measuring device~~
31 ~~required pursuant to this part. For purposes of Section 5107, a~~
32 ~~report of groundwater extraction, measuring device, or~~
33 ~~misstatement required, used, or made pursuant to this part shall~~
34 ~~be considered the equivalent of a statement, measuring device, or~~
35 ~~misstatement required, used, or made pursuant to Part 5.1~~
36 ~~(commencing with Section 5100).~~

37 ~~5209. For groundwater extractions in a board-designated local~~
38 ~~area, reports required pursuant to this part shall be submitted to~~
39 ~~the entity designated pursuant to subdivision (c) of Section 5009~~
40 ~~if both of the following occur:~~

1 ~~(a) The board determines that the requirements of subdivision~~
2 ~~(e) of Section 5009 have been satisfied with respect to extractions~~
3 ~~subject to reporting pursuant to this part, in addition to any~~
4 ~~groundwater extractions subject to Part 5 (commencing with~~
5 ~~Section 4999).~~

6 ~~(b) The designated entity has made satisfactory arrangements~~
7 ~~to collect and transmit to the board any fees imposed pursuant to~~
8 ~~paragraph (2) of subdivision (b) of Section 1529.5.~~

9 ~~SEC. 12.~~

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

12
13 **PART 2.74. SUSTAINABLE GROUNDWATER**
14 **MANAGEMENT**

15
16 **CHAPTER 1. GENERAL PROVISIONS**

17
18 10720. This part shall be known, and may be cited, as the
19 “Sustainable Groundwater Management Act.”

20 10720.1. In enacting this part, it is the intent of the Legislature
21 to do all of the following:

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

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

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

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

35 (e) To avoid or minimize subsidence.

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

38 (g) To increase groundwater storage and remove impediments
39 to recharge.

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

5 10720.3. (a) This part applies to all groundwater basins in the
6 state.

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

10 (c) *The federal government or any federally recognized Indian*
11 *tribe, appreciating the shared interest in assuring the sustainability*
12 *of groundwater resources, may voluntarily agree to participate in*
13 *the preparation or administration of a groundwater sustainability*
14 *plan or groundwater management plan under this part through a*
15 *joint powers authority or other agreement with local agencies in*
16 *the basin. A participating tribe shall be eligible to participate fully*
17 *in planning, financing, and management under this part, including*
18 *eligibility for grants and technical assistance, if any exercise of*
19 *regulatory authority, enforcement, or imposition and collection*
20 *of fees is pursuant to the tribe's independent authority and not*
21 *pursuant to authority granted to a groundwater sustainability*
22 *agency under this part.*

23 (d) *In an adjudication of rights to the use of groundwater, and*
24 *in the management of a groundwater basin or subbasin by a*
25 *groundwater sustainability agency or by the board,*
26 *federally-reserved water rights to groundwater shall be respected*
27 *in full. In case of conflict between federal and state law in that*
28 *adjudication or management, federal law shall prevail. The*
29 *voluntary or involuntary participation of a holder of rights in that*
30 *adjudication or management shall not subject that holder to state*
31 *law regarding other proceedings or matters not authorized by*
32 *federal law. This subdivision is declaratory of existing law.*

33 10720.5. Groundwater management pursuant to this part shall
34 be consistent with Section 2 of Article X of the California
35 Constitution. Nothing in this part modifies rights or priorities to
36 use or store groundwater consistent with Section 2 of Article X of
37 the California Constitution, except that in basins designated
38 medium- or high-priority basins by the department, no extraction
39 of groundwater between January 1, 2015, and the date of adoption
40 of a groundwater sustainability plan pursuant to this part, whichever

1 is sooner, may be used as evidence of, or to establish or defend
2 against, any claim of prescription.

3 10720.7. (a) By January 31, 2020, all basins designated as
4 high- or medium-priority basins by the department shall be
5 managed under a groundwater sustainability plan or coordinated
6 groundwater sustainability plans pursuant to this part. ~~The~~

7 (b) ~~The~~ Legislature encourages and authorizes basins designated
8 as ~~low- and low- and very low- priority~~ low-priority basins by the
9 department to be managed under groundwater sustainability plans
10 pursuant to this part. *Chapter 11 (commencing with Section 10735)*
11 *does not apply to a basin designated as a low- or very low-priority*
12 *basin.*

13 ~~10720.9.~~

14 10720.8. (a) Except as provided in subdivision (d), this part
15 does not apply to the following adjudicated areas or a local agency
16 that conforms to the requirements of an adjudication of water rights
17 for one of the following adjudicated areas:

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

- 1 (19) Scott River Stream System.
- 2 ~~(17)~~
- 3 (20) Seaside Basin.
- 4 ~~(18)~~
- 5 (21) Six Basins.
- 6 ~~(19)~~
- 7 (22) Tehachapi Basin.
- 8 ~~(20)~~
- 9 (23) Upper Los Angeles River Area.

- 10 ~~(21)~~
- 11 (24) Warren Valley Basin.

- 12 ~~(22)~~
- 13 (25) West Coast Basin.
- 14 ~~(23) Western San Bernardino.~~

15 (b) The Antelope Valley basin at issue in the Antelope Valley
 16 Groundwater Cases (Judicial Council Coordination Proceeding
 17 Number 4408) shall be treated as an adjudicated basin pursuant to
 18 this section if the superior court issues a final judgment, order, or
 19 decree.

20 (c) *The Owens Valley Groundwater Basin area managed*
 21 *pursuant to the terms of the stipulated judgment of City of Los*
 22 *Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo*
 23 *County Case No. 12908) shall be treated as an adjudicated area*
 24 *pursuant to this section.*

25 ~~(e)~~

26 (d) If an adjudication action has determined the rights to extract
 27 groundwater for only a portion of a basin, subdivisions ~~(a)~~ (a), (b),
 28 and ~~(b)~~ (c) apply only within the area for which the adjudication
 29 action has determined those rights.

30 ~~(d)~~

31 (e) The watermaster or a local agency within a basin identified
 32 in subdivision (a) shall do all of the following:

33 (1) By ~~January~~ April 1, 2016, submit to the department a copy
 34 of a governing final judgment, or other judicial order or decree,
 35 and any amendments entered before ~~January~~ April 1, 2016.

36 (2) Within 90 days of entry by a court, submit to the department
 37 a copy of any amendment made and entered by the court to the
 38 governing final judgment or other judicial order or decree on or
 39 after ~~January~~ April 1, 2016.

1 (3) By ~~January~~ *April* 1, 2016, and annually by ~~January 1~~ of each
2 year thereafter, submit to the department a report containing the
3 following information *to the extent available* for the portion of the
4 basin subject to the adjudication:

5 (A) Groundwater elevation data *unless otherwise submitted*
6 *pursuant to Section 10932*.

7 (B) Annual aggregated data identifying groundwater extraction
8 for the preceding water year.

9 (C) Surface water supply used for or available for use for
10 groundwater recharge or in-lieu use.

11 (D) Total water use.

12 (E) Change in groundwater storage.

13 (F) *The annual report submitted to the court.*

14 *10720.9. All relevant state agencies, including, but not limited*
15 *to, the board, the regional water quality control boards, the*
16 *department, and the Department of Fish and Wildlife, shall*
17 *consider the policies of this part, and any groundwater*
18 *sustainability plans adopted pursuant to this part, when revising*
19 *or adopting policies, regulations, or criteria, or when issuing*
20 *orders or determinations, where pertinent.*

21
22 CHAPTER 2. DEFINITIONS

23
24 10721. Unless the context otherwise requires, the following
25 definitions govern the construction of this part:

26 (a) “Adjudication action” means an action filed in the superior
27 or federal district court to determine the rights to extract
28 groundwater from a basin or store water within a basin, including,
29 but not limited to, actions to quiet title respecting rights to extract
30 or store groundwater or an action brought to impose a physical
31 solution on a basin.

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

35 (c) “Bulletin 118” means the department’s report entitled
36 “California’s Groundwater: Bulletin 118” updated in 2003, as it
37 may be subsequently updated or revised in accordance with Section
38 12924.

39 (d) “Coordination agreement” means a legal agreement adopted
40 between two or more groundwater sustainability agencies that

1 provides the basis for coordinating multiple agencies or
2 groundwater sustainability plans within a basin pursuant to this
3 part.

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

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

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

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

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

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

23 (k) “Groundwater sustainability plan” or “plan” means a plan
24 of a groundwater sustainability agency proposed or adopted
25 pursuant to this part.

26 (l) “Groundwater sustainability program” means a coordinated
27 and ongoing activity undertaken to benefit a basin, pursuant to a
28 groundwater sustainability plan.

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

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

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

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

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

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

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

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

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

23 (v) “Undesirable result” means one or more of the following
24 effects caused by groundwater conditions occurring throughout
25 the basin:

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

34 (2) Significant and unreasonable reduction of groundwater
35 storage.

36 (3) Significant seawater intrusion.

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

1 (5) Significant land subsidence that substantially interferes with
2 surface land uses.

3 (6) Surface water depletions that have significant adverse
4 impacts on beneficial uses.

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

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

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

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

16

17

CHAPTER 3. BASIN BOUNDARIES

18

19 10722. Unless other basin boundaries are established pursuant
20 to this chapter, a basin’s boundaries shall be as identified in
21 Bulletin 118.

22 10722.2. (a) A local agency may request that the department
23 revise the boundaries of a basin, including the establishment of
24 new subbasins. A local agency’s request shall be supported by the
25 following information:

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

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

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

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

36 (b) By January 1, 2016, the department shall develop and publish
37 guidelines regarding the information required to comply with
38 subdivision ~~(a)~~ (a), *as well as the methodology and criteria to be*
39 *used to evaluate the proposed revision. The ~~guidelines~~ guidelines,*
40 *methodology, and criteria* required pursuant to this subdivision

1 are exempt from Chapter 3.5 (commencing with Section 11340)
2 of Part 1 of Division 3 of Title 2 of the Government Code.

3 (c) *Methodology and criteria established pursuant to subdivision*
4 *(b) shall address all of the following:*

5 (1) *How to assess the likelihood that the proposed basin can be*
6 *sustainably managed.*

7 (2) *How to assess whether the proposed basin would limit the*
8 *sustainable management of adjacent basins.*

9 (3) *How to assess whether there is a history of sustainable*
10 *management of groundwater levels in the proposed basin.*

11 (d) *Prior to adopting and finalizing the guidelines, the*
12 *department shall conduct three public meetings to consider public*
13 *comments. The department shall publish the draft guidelines on*
14 *its Internet Web site at least 30 days before the public meetings.*
15 *One meeting shall be conducted at a location in northern*
16 *California, one meeting shall be conducted at a location in the*
17 *central valley of California, and one meeting shall be conducted*
18 *at a location in southern California. Upon adoption, the*
19 *department shall publish the guidelines on its Internet Web site.*

20 (e)

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

26 10722.4. (a) Pursuant to Section 10933, for the purposes of
27 this part the department shall categorize each basin as one of the
28 following priorities:

29 (1) High priority.

30 (2) Medium priority.

31 (3) Low priority.

32 (4) Very low priority.

33 (b) The initial priority for each basin shall be established by the
34 department pursuant to Section 10933 no later than January ~~1,~~
35 ~~2017~~ 31, 2015.

36 (c) Anytime the department updates Bulletin 118 boundaries
37 pursuant to subdivision (b) of Section 12924, the department shall
38 reassess the prioritization pursuant to Section 10933.

39 (d) Anytime the department changes the basin priorities pursuant
40 to Section 10933, if a basin is elevated to a ~~medium-~~ *medium-* or

1 ~~high-priority~~ *high-priority* basin after January 31, 2015, a local
 2 agency shall have two years from the date of reprioritization to
 3 *either* establish a groundwater sustainability agency pursuant to
 4 Chapter 4 (commencing with Section 10723) and five years from
 5 the date of reprioritization to adopt a groundwater sustainability
 6 plan pursuant to Chapter 6 (commencing with Section 10727) *or*
 7 *two years to satisfy the requirements of Section 10733.6.*

8

9 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
 10 AGENCIES

11

12 10723. (a) ~~Any~~ *Except as provided in subdivision (c), any*
 13 *local agency or combination of local agencies overlying a*
 14 *groundwater basin may elect to be a groundwater sustainability*
 15 *agency for that basin.*

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

20 (c) (1) *Except as provided in paragraph (2), the following*
 21 *agencies created by statute to manage groundwater shall be*
 22 *deemed the exclusive local agencies within their respective*
 23 *statutory boundaries with powers to comply with this part:*

- 24 (A) *Desert Water Agency.*
- 25 (B) *Fox Canyon Groundwater Management Agency.*
- 26 (C) *Honey Lake Valley Groundwater Management District.*
- 27 (D) *Long Valley Groundwater Management District.*
- 28 (E) *Mendocino City Community Services District.*
- 29 (F) *Mono County Tri-Valley Groundwater Management District.*
- 30 (G) *Monterey Peninsula Water Management District.*
- 31 (H) *Ojai Groundwater Management Agency.*
- 32 (I) *Orange County Water District.*
- 33 (J) *Pajaro Valley Water Management Agency.*
- 34 (K) *Santa Clara Valley Water District.*
- 35 (L) *Sierra Valley Water District.*
- 36 (M) *Willow Creek Groundwater Management Agency.*

37 (2) *An agency identified in this subdivision may elect to opt out*
 38 *of being the exclusive groundwater management agency within its*
 39 *statutory boundaries by sending a notice to the department, which*
 40 *shall be posted pursuant to Section 10733.3. If an agency identified*

1 *in paragraph (1) elects to opt out of being the exclusive*
2 *groundwater management agency, any other local agency or*
3 *combination of local agencies operating within the statutory*
4 *boundaries of the agency that has elected to opt out may notify the*
5 *department pursuant to subdivision (d) of its election to be the*
6 *groundwater sustainability agency.*

7 (3) *A local agency listed in paragraph (1) may comply with this*
8 *part by meeting the requirements of Section 10733.6 or electing*
9 *to become a groundwater sustainability agency pursuant to this*
10 *section. A local agency with authority to implement a basin-specific*
11 *management plan pursuant to its principal act shall not exercise*
12 *any authorities granted in this part in a manner inconsistent with*
13 *any prohibitions or limitations in its principal act unless the*
14 *governing board of the local agency makes a finding that the*
15 *agency is unable to sustainably manage the basin without the*
16 *prohibited authority.*

17 (d) *A local agency or combination of local agencies that elects*
18 *to be the groundwater sustainability agency shall submit a notice*
19 *of intent to the department, which shall be posted pursuant to*
20 *Section 10733.3. The notice of intent shall include a description*
21 *of the proposed boundaries of the basin or portion of the basin*
22 *that the local agency or combination of local agencies intends to*
23 *manage pursuant to this part.*

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

- 29 (a) Holders of overlying groundwater rights, including:
30 (1) Agricultural users.
31 (2) Domestic well owners.
32 (b) Municipal well operators.
33 (c) Public water systems.
34 (d) Local land use planning agencies.
35 (e) Environmental users of groundwater.
36 (f) Surface water users, if there is a hydrologic connection
37 between surface and groundwater bodies.
38 (g) The federal government, including, but not limited to, the
39 military and managers of federal lands.
40 (h) California Native American tribes.

1 (i) *Disadvantaged communities, including, but not limited to,*
2 *those served by private domestic wells or small community water*
3 *systems.*

4 10723.4. The groundwater sustainability agency shall establish
5 and maintain a list of persons interested in receiving notices
6 regarding plan preparation, meeting announcements, and
7 availability of draft plans, maps, and other relevant documents.
8 Any person may request, in writing, to be placed on the list of
9 interested persons.

10 10723.6. A combination of local agencies may form a
11 groundwater sustainability agency by using any of the following
12 methods:

13 (a) A joint powers agreement.

14 (b) A memorandum of agreement or other legal agreement.

15 10723.8. (a) Within 30 days of electing to be or forming a
16 groundwater sustainability agency, the groundwater sustainability
17 agency shall inform the department of its election or formation
18 and its intent to undertake sustainable groundwater management.
19 The notification shall include the following information, as
20 applicable:

21 (a)

22 (1) The service area boundaries, the basin the agency is
23 managing, and the other groundwater sustainability agencies
24 operating within the basin.

25 (b)

26 (2) A copy of the resolution forming the new agency.

27 (c)

28 (3) A copy of ~~the~~ *any new* bylaws, ordinances, ~~and~~ *or new*
29 *authorities adopted by the local agency.*

30 (4) *A list of interested parties developed pursuant to Section*
31 *10723.2 and an explanation of how their interests will be*
32 *considered in the development and operation of the groundwater*
33 *sustainability agency and the development and implementation of*
34 *the agency's sustainability plan.*

35 (b) *Except as provided in subdivision (d), 90 days following the*
36 *posting of the notice pursuant to this section, the groundwater*
37 *sustainability agency shall be presumed the exclusive groundwater*
38 *sustainability agency within the area of the basin the agency is*
39 *managing as described in the notice.*

1 (c) A groundwater sustainability agency may withdraw from
2 managing a basin by notifying the department in writing of its
3 intent to withdraw.

4 (d) This section does not preclude the board from taking an
5 action pursuant to Section 10735.6.

6 (e) The department shall post all notices received under this
7 section in accordance with Section 10733.3.

8 10724. (a) In the event that there is an area within a basin that
9 is not within the management area of a groundwater sustainability
10 agency, the county within which that unmanaged area lies will be
11 presumed to be the groundwater sustainability agency for that area.

12 (b) A county described in subdivision (a) shall provide
13 notification to the department pursuant to Section 10723.8 unless
14 the county notifies the department that it will not be the
15 groundwater sustainability agency for the area. Extractions of
16 groundwater made on or after January 1, 2017, in that area shall
17 be subject to reporting in accordance with Part 5.2 (commencing
18 with Section 5200) of Division 2 if the county does either of the
19 following:

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

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

24

25 CHAPTER 5. POWERS AND AUTHORITIES

26

27 10725. (a) A groundwater sustainability agency may exercise
28 any of the powers described in this chapter in implementing this
29 part, in addition to, and not as a limitation on, any existing
30 authority, if the groundwater sustainability agency adopts and
31 submits to the department a groundwater sustainability plan or
32 prescribed alternative documentation in accordance with Section
33 10733.6.

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

38 10725.2. (a) A groundwater sustainability agency may perform
39 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 and
16 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 to
27 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 the
35 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 operator
40 of each groundwater extraction facility. The water measuring

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

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

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

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

17 10726. An entity within the area of a groundwater sustainability
18 plan ~~shall only divert surface water to underground storage~~
19 ~~consistent with the plan and shall~~ report the diversion of *surface*
20 *water* to underground storage to the groundwater sustainability
21 agency for the relevant portion of the basin.

22 10726.2. A groundwater sustainability agency may do the
23 following:

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

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

1 upon a finding that the *conjunctive use or storage* program ~~would~~
2 ~~aid or assist the agency in developing or implementing a~~ *interferes*
3 *with implementation of the agency's* groundwater sustainability
4 plan.

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

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

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

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

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

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

31 (2) To control groundwater extractions by regulating, limiting,
32 or suspending extractions from individual groundwater wells or
33 extractions from groundwater wells in the aggregate, construction
34 of new groundwater wells, enlargement of existing groundwater
35 wells, or reactivation of abandoned groundwater wells, or otherwise
36 establishing groundwater extraction allocations. A limitation on
37 extractions by a groundwater sustainability agency shall not be
38 construed to be a final determination of rights to extract
39 groundwater from the basin or 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. *The transfer is subject to applicable city and county*
6 *ordinances.*

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

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

22 10726.6. (a) A groundwater sustainability agency that adopts
23 a groundwater sustainability plan may file an action to determine
24 the validity of the plan pursuant to Chapter 9 (commencing with
25 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure
26 *no sooner than 180 days following the adoption of the plan.*

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

31 (c) Any judicial action or proceeding to attack, review, set aside,
32 void, or annul the ordinance or resolution imposing a new, or
33 increasing an existing, fee imposed pursuant to Section 10730,
34 10730.2, or 10730.4 shall be ~~brought pursuant to Section 66022~~
35 ~~of the Government Code~~ *commenced within 180 days following*
36 *the adoption of the ordinance or resolution.*

37 (d) Any person may pay a fee imposed pursuant to Section
38 10730, 10730.2, or 10730.4 under protest and bring an action
39 against the governing body in the superior court to recover any
40 money that the governing body refuses to refund. Payments made

1 and actions brought under this section shall be made and brought
 2 in the manner provided for the payment of taxes under protest and
 3 actions for refund of that payment in Article 2 (commencing with
 4 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
 5 and Taxation Code, as applicable.

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

9 10726.8. (a) This part is in addition to, and not a limitation
 10 on, the authority granted to a local agency under any other law.
 11 The local agency may use the local agency’s authority under any
 12 other law to apply and enforce any requirements of this part,
 13 including, but not limited to, the collection of fees.

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

16 (c) *Notwithstanding Section 6103 of the Government Code, a*
 17 *state or local agency that extracts groundwater shall be subject*
 18 *to a fee imposed under this part to the same extent as any*
 19 *nongovernmental entity.*

20 ~~(e) This~~

21 (d) *Except as provided in subdivision (c), this part does not*
 22 *authorize a local agency to impose any requirement or impose any*
 23 ~~*penalty or fee*~~ *on the state or any agency, department, or officer*
 24 *of the state. State agencies and departments shall work*
 25 *cooperatively with a local agency on a voluntary basis.*

26 (e) *Nothing in a groundwater sustainability plan shall be*
 27 *interpreted as superseding the land use authority of cities and*
 28 *counties.*

29

30 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

31

32 10727. (a) A groundwater sustainability plan shall be
 33 developed and implemented for each medium- or high-priority
 34 basin by a groundwater sustainability agency to meet the
 35 sustainability goal established pursuant to this part. The
 36 groundwater sustainability plan may incorporate, extend, or be
 37 based on a plan adopted pursuant to Part 2.75 (commencing with
 38 Section 10750).

39 (b) A groundwater sustainability plan may be any of the
 40 following:

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

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

5 (3) Subject to Section 10727.6, multiple plans implemented by
6 multiple groundwater sustainability agencies and coordinated
7 pursuant to a single coordination agreement that covers the entire
8 basin.

9 10727.2. A groundwater sustainability plan shall include all
10 of the following:

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

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

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

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

18 (4) A map that details the area of the basin and the boundaries
19 of the groundwater sustainability agencies that overlie the basin
20 that have or are developing groundwater sustainability plans.

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

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

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

33 (3) (A) Notwithstanding paragraph (1), at the request of the
34 groundwater sustainability agency, the department may grant an
35 extension of up to 5 years beyond the 20-year sustainability
36 timeframe upon a showing of good cause. The department may
37 grant a second extension of up to five years upon a showing of
38 good cause if the groundwater sustainability agency has begun
39 implementation of the work plan described in clause (iii) of
40 subparagraph (B).

1 (B) The department may grant an extension pursuant to this
2 paragraph if the groundwater sustainability agency does all of the
3 following:

4 (i) Demonstrates a need for an extension.

5 (ii) Has made progress toward meeting the sustainability goal
6 as demonstrated by its progress at achieving the milestones
7 identified in its groundwater sustainability plan.

8 (iii) Adopts a feasible work plan for meeting the sustainability
9 goal during the extension period.

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

17 (c) A planning and implementation horizon.

18 (d) Components relating to the following, as applicable to the
19 basin:

20 (1) The monitoring and management of groundwater levels
21 within the basin.

22 (2) The monitoring and management of groundwater quality,
23 groundwater quality degradation, inelastic land surface subsidence,
24 and changes in surface flow and surface water quality that directly
25 affect groundwater levels or quality or are caused by groundwater
26 extraction in the basin.

27 (3) Mitigation of overdraft.

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

30 (5) *A description of surface water supply used or available for*
31 *use for groundwater recharge or in-lieu use.*

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

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

9 (g) A description of the *consideration given to the applicable*
10 *county and city general plans and a description of the* various
11 adopted water resources-related plans and programs within the
12 basin and an assessment of how the groundwater sustainability
13 plan may affect those plans.

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

- 18 (a) Control of saline water intrusion.
- 19 (b) Wellhead protection areas and recharge areas.
- 20 (c) Migration of contaminated groundwater.
- 21 (d) A well abandonment and well destruction program.
- 22 (e) Replenishment of groundwater extractions.
- 23 (f) Activities implementing, opportunities for, and *removing*
24 *impediments to, conjunctive use or underground storage.*
- 25 (g) Well construction policies.
- 26 (h) Measures addressing groundwater contamination cleanup,
27 recharge, diversions to storage, conservation, water recycling,
28 conveyance, and extraction projects.
- 29 (i) Efficient water management practices, as defined in Section
30 10902, for the delivery of water and water conservation methods
31 to improve the efficiency of water use.
- 32 (j) Efforts to develop relationships with state and federal
33 regulatory agencies.
- 34 (k) Processes to review land use plans and efforts to coordinate
35 with land use planning agencies to assess activities that potentially
36 create risks to groundwater quality or quantity.
- 37 (l) Impacts on groundwater dependent ecosystems.

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

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

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

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

28 10728. On the ~~January~~ *April* 1 following the adoption of a
29 groundwater sustainability plan and annually ~~on each January 1~~
30 thereafter, a groundwater sustainability agency shall submit a report
31 to the department containing the following information about the
32 basin managed in the groundwater sustainability plan:

- 33 (a) Groundwater elevation data.
- 34 (b) Annual aggregated data identifying groundwater extraction
35 for the preceding water year.
- 36 (c) Surface water supply used for or available for use for
37 groundwater recharge or in-lieu use.
- 38 (d) Total water use.
- 39 (e) Change in groundwater storage.

1 10728.2. A groundwater sustainability agency shall periodically
2 evaluate its groundwater sustainability plan, assess changing
3 conditions in the basin that may warrant modification of the plan
4 or management objectives, and may adjust components in the plan.
5 An evaluation of the plan shall focus on determining whether the
6 actions under the plan are meeting the plan's management
7 objectives and whether those objectives are meeting the
8 sustainability goal in the basin.

9 10728.4. A groundwater sustainability agency may adopt or
10 amend a groundwater sustainability plan after a public hearing,
11 held at least 90 days after providing notice to a city or county
12 within the area of the proposed plan or amendment. The
13 groundwater sustainability agency shall ~~obtain~~ *review and consider*
14 comments from any city or county that receives notice pursuant
15 to this section and shall consult with a city or county that requests
16 consultation within 30 days of receipt of the notice. Nothing in
17 this section is intended to preclude an agency and a city or county
18 from otherwise consulting or commenting regarding the adoption
19 or amendment of a plan.

20 10728.6. Division 13 (commencing with Section 21000) of the
21 Public Resources Code does not apply to the preparation and
22 adoption of plans pursuant to this chapter. Nothing in this part
23 shall be interpreted as exempting from Division 13 (commencing
24 with Section 21000) of the Public Resources Code a project that
25 would implement actions taken pursuant to a plan adopted pursuant
26 to this chapter or a project that would significantly affect water
27 supplies for fish and wildlife *chapter*.

28
29 ~~CHAPTER 7. TECHNICAL ASSISTANCE~~

30
31 ~~10729. (a) The department or a groundwater sustainability~~
32 ~~agency may provide technical assistance to entities that extract or~~
33 ~~use groundwater to promote water conservation and protect~~
34 ~~groundwater resources.~~

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

1 ~~(e) (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 costs~~
 16 ~~of a groundwater sustainability program, including, but not limited~~
 17 ~~to, preparation, adoption, and amendment of a groundwater~~
 18 ~~sustainability plan, and investigations, inspections, compliance~~
 19 ~~assistance, enforcement, and program administration, including a~~
 20 ~~prudent reserve. A groundwater sustainability agency shall not~~
 21 ~~impose a fee pursuant to this subdivision on a de minimis extractor~~
 22 ~~unless the agency 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 public meeting, at~~
 25 ~~which oral or written presentations may be made as part of the~~
 26 ~~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 provided by publication pursuant to Section 6066 of the~~
 31 ~~Government Code, by posting notice on the Internet Web site of~~
 32 ~~the groundwater sustainability agency, and by mail to any interested~~
 33 ~~party who files a written request with the agency for mailed notice~~
 34 ~~of the meeting on new or increased fees. A written request for~~
 35 ~~mailed notices shall be valid for one year from the date that the~~
 36 ~~request is made and may be renewed by making a written request~~
 37 ~~on or before April 1 of each year.~~

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

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

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

15 10730.2. (a) ~~A groundwater sustainability agency that adopts~~
16 ~~a groundwater sustainability plan pursuant to this part may impose~~
17 ~~fees on the extraction of groundwater from the basin to fund costs~~
18 ~~of groundwater management, including, but not limited to, the~~
19 ~~costs of the following:~~

20 (1) ~~Administration, operation, and maintenance, including a~~
21 ~~prudent reserve.~~

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

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

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

26 (b) ~~Until a groundwater sustainability plan is adopted pursuant~~
27 ~~to this part, a local agency may impose fees in accordance with~~
28 ~~the procedures provided in this section for the purposes of Part~~
29 ~~2.75 (commencing with Section 10750) as long as a groundwater~~
30 ~~management plan adopted before January 1, 2015, is in effect for~~
31 ~~the basin.~~

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

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

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

4 ~~10730.4. A groundwater sustainability agency may fund~~
5 ~~activities pursuant to Part 2.75 (commencing with Section 10750)~~
6 ~~and may impose fees pursuant to Section 10730.2 to fund activities~~
7 ~~undertaken by the agency pursuant to Part 2.75 (commencing with~~
8 ~~Section 10750).~~

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

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

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

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

36 ~~(e) As an additional remedy, a groundwater sustainability~~
37 ~~agency, after a public hearing, may order an owner or operator to~~
38 ~~cease extraction of groundwater until all delinquent fees are paid.~~
39 ~~The groundwater sustainability agency shall give notice to the~~

1 owner or operator by certified mail not less than 15 days in advance
2 of the public hearing.

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

7 ~~10730.8.— (a) Nothing in this chapter shall affect or interfere~~
8 ~~with the authority of a groundwater sustainability agency to levy~~
9 ~~and collect taxes, assessments, charges, and tolls as otherwise~~
10 ~~provided by law.~~

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

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

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

1 Notice of the determination of the governing body hearing shall
 2 be mailed to each protestant. The owner or operator shall have 20
 3 days from the date of mailing of the determination to pay the
 4 groundwater charges, interest, and penalties determined by the
 5 governing body.

6
 7 CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY
 8 ENFORCEMENT POWERS
 9

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

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

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

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

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

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

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

1 ~~CHAPTER 10. STATE EVALUATION AND ASSESSMENT~~

2
3 ~~10733. (a) The department shall periodically review the~~
4 ~~groundwater sustainability plans developed by groundwater~~
5 ~~sustainability agencies pursuant to this part to evaluate whether a~~
6 ~~plan conforms with Sections 10727.2 and 10727.4 and is likely to~~
7 ~~achieve the sustainability goal for the basin covered by the~~
8 ~~groundwater sustainability plan.~~

9 ~~(b) If a groundwater sustainability agency develops multiple~~
10 ~~groundwater sustainability plans for a basin, the department shall~~
11 ~~evaluate whether the plans conform with Sections 10727.2,~~
12 ~~10727.4, and 10727.6 and are together likely to achieve the~~
13 ~~sustainability goal for the basin covered by the groundwater~~
14 ~~sustainability plans.~~

15 ~~10733.2. (a) (1) By June 1, 2016, the department, in~~
16 ~~consultation with the board, shall develop guidelines for evaluating~~
17 ~~groundwater sustainability plans, the implementation of~~
18 ~~groundwater sustainability plans, and coordination agreements~~
19 ~~pursuant to this chapter.~~

20 ~~(2) The guidelines shall identify the necessary plan components~~
21 ~~specified in Sections 10727.2, 10727.4, and 10727.6 and other~~
22 ~~information that will assist local agencies in developing and~~
23 ~~implementing groundwater sustainability plans and coordination~~
24 ~~agreements.~~

25 ~~(b) The department may update the guidelines, including to~~
26 ~~incorporate the best management practices identified pursuant to~~
27 ~~Section 10729.~~

28 ~~(c) By June 1, 2016, the department, in consultation with the~~
29 ~~board, shall develop guidelines for evaluating alternatives~~
30 ~~submitted pursuant to Section 10733.6.~~

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

37 ~~10733.4. (a) Upon adoption of a groundwater sustainability~~
38 ~~plan, a groundwater sustainability agency shall submit the~~
39 ~~groundwater sustainability plan to the department for review~~
40 ~~pursuant to this chapter.~~

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

8 ~~(1) The groundwater sustainability plans.~~

9 ~~(2) An explanation of how the groundwater sustainability plans~~
10 ~~implemented together satisfy Sections 10727.2, 10727.4, and~~
11 ~~10727.6 for the entire basin.~~

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

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

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

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

31 ~~(b) An alternative is any of the following:~~

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

34 ~~(2) Management pursuant to an adjudication action.~~

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

1 (e) ~~A local agency shall submit an alternative pursuant to this~~
2 ~~section no later than January 1, 2017, and every five years~~
3 ~~thereafter.~~

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

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

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

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

28
29 CHAPTER 11. STATE INTERVENTION
30

31 10735. ~~As used in this chapter, the following terms have the~~
32 ~~following meanings:~~

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

1 drought are offset by increases in groundwater levels or storage
2 during other periods.

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

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

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

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

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

22 (A) ~~A local agency has elected to be a groundwater sustainability~~
23 ~~agency that intends to develop a groundwater sustainability plan~~
24 ~~for the entire basin.~~

25 (B) ~~A collection of local agencies has formed a groundwater~~
26 ~~sustainability agency or prepared agreements to develop one or~~
27 ~~more groundwater sustainability plans that will collectively serve~~
28 ~~as a groundwater sustainability plan for the entire basin.~~

29 (C) ~~A local agency has submitted an alternative that has been~~
30 ~~approved or is pending approval pursuant to Section 10733.6. If~~
31 ~~the department disapproves an alternative pursuant to Section~~
32 ~~10733.6, the board shall not act under this paragraph until at least~~
33 ~~180 days after the department disapproved the alternative.~~

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

35 (A) ~~A groundwater sustainability agency has adopted a~~
36 ~~groundwater sustainability plan for the entire basin.~~

37 (B) ~~A collection of local agencies have adopted groundwater~~
38 ~~sustainability plans that collectively serve as a groundwater~~
39 ~~sustainability plan for the entire basin.~~

1 ~~(C) The department has approved an alternative pursuant to~~
2 ~~Section 10733.6.~~

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

4 ~~(A) The department, in consultation with the board, determines~~
5 ~~that a groundwater sustainability plan is inadequate or that the~~
6 ~~groundwater sustainability program is not being implemented in~~
7 ~~a manner that will likely achieve the sustainability goal.~~

8 ~~(B) The board determines that the basin is in a condition of~~
9 ~~long-term overdraft or in a condition where groundwater~~
10 ~~extractions result in significant depletions of interconnected surface~~
11 ~~waters.~~

12 ~~(b) In making the findings associated with paragraph (3) of~~
13 ~~subdivision (a), the department and board may rely on periodic~~
14 ~~assessments the department has prepared pursuant to Chapter 10~~
15 ~~(commencing with Section 10733). The board may request that~~
16 ~~the department conduct additional assessments utilizing the~~
17 ~~guidelines developed pursuant to Chapter 10 (commencing with~~
18 ~~10733) and make determinations pursuant to this section. The~~
19 ~~board shall post on its Internet Web site and provide at least 30~~
20 ~~days for the public to comment on any determinations provided~~
21 ~~by the department pursuant to this subdivision.~~

22 ~~(e) (1) The determination may exclude a class or category of~~
23 ~~extractions from the requirement for reporting pursuant to Part 5.2~~
24 ~~(commencing with Section 5200) of Division 2 if those extractions~~
25 ~~are likely to have a minimal impact on basin withdrawals.~~

26 ~~(2) The determination may require reporting of a class or~~
27 ~~category of extractions that would otherwise be exempt from~~
28 ~~reporting pursuant to paragraph (1) of subdivision (e) of Section~~
29 ~~5202 if those extractions are likely to have a substantial impact on~~
30 ~~basin withdrawals or requiring reporting of those extractions is~~
31 ~~reasonably necessary to obtain information for purposes of this~~
32 ~~chapter.~~

33 ~~(3) The determination may establish requirements for~~
34 ~~information required to be included in reports of groundwater~~
35 ~~extraction, for installation of measuring devices, or for use of a~~
36 ~~methodology, measuring device, or both, pursuant to Part 5.2~~
37 ~~(commencing with Section 5200) of Division 2.~~

38 ~~(4) The determination may modify the water year or reporting~~
39 ~~date for a report of groundwater extraction pursuant to Section~~
40 ~~5202.~~

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

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

12 (c) The board may develop an interim plan pursuant to Section
13 10735.8 for the probationary basin at the end of the period provided
14 by subdivision (a) or any extension provided pursuant to
15 subdivision (b), if the board, in consultation with the department,
16 determines that a local agency has not remedied the deficiency
17 that resulted in designating the basin as a probationary basin.

18 10735.6.— (a) If the board designates a basin as a probationary
19 basin pursuant to paragraph (3) of subdivision (a) of Section
20 10735.2, the board shall identify the specific deficiencies and
21 identify potential actions to address the deficiencies. The board
22 may request the department to provide local agencies, within 90
23 days of the designation of a probationary basin, with technical
24 recommendations to remedy the deficiencies.

25 (b) The board may develop an interim plan pursuant to Section
26 10735.8 for the probationary basin one year after the designation
27 of the basin pursuant to paragraph (3) of subdivision (a) of Section
28 10735.2, if the board, in consultation with the department,
29 determines that a local agency has not remedied the deficiency
30 that resulted in designating the basin a probationary basin.

31 10735.8.— (a) The board, after notice and a public hearing, may
32 adopt an interim plan for a probationary basin.

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

34 (1) Identification of the actions that are necessary to correct a
35 condition of long-term overdraft or a condition where groundwater
36 extractions result in significant depletions of interconnected surface
37 waters, including recommendations for appropriate action by any
38 person.

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

1 ~~(3) A description of the monitoring to be undertaken to~~
2 ~~determine effectiveness of the plan.~~
3 ~~(e) The interim plan may include the following:~~
4 ~~(1) Restrictions on groundwater extraction.~~
5 ~~(2) A physical solution.~~
6 ~~(3) Principles and guidelines for the administration of rights to~~
7 ~~surface waters that are connected to the basin.~~
8 ~~(d) Except as provided in Sections 100 and 275 and subdivision~~
9 ~~(e), the interim plan shall be consistent with water right priorities.~~
10 ~~(e) Where, in the judgment of the board, a groundwater~~
11 ~~sustainability plan, groundwater sustainability program, or an~~
12 ~~adjudication action can be relied on as part of the interim plan,~~
13 ~~either throughout the basin or in an area within the basin, the board~~
14 ~~may rely on, or incorporate elements of, that plan, program, or~~
15 ~~adjudication into the interim plan adopted by the board or allow~~
16 ~~local agencies to continue implementing those parts of a plan or~~
17 ~~program that the board determines are adequate.~~
18 ~~(f) In carrying out activities that may affect the probationary~~
19 ~~basin, state entities shall comply with an interim plan adopted by~~
20 ~~the board pursuant to this section unless otherwise directed or~~
21 ~~authorized by statute and the state entity shall indicate to the board~~
22 ~~in writing the authority for not complying with the interim plan.~~
23 ~~(g) (1) After the board adopts an interim plan under this section,~~
24 ~~the board shall determine if a groundwater sustainability plan or~~
25 ~~an adjudication action is adequate to eliminate the condition of~~
26 ~~long-term overdraft or condition where groundwater extractions~~
27 ~~result in significant depletions of interconnected surface waters,~~
28 ~~upon petition of either of the following:~~
29 ~~(A) A groundwater sustainability agency that has adopted a~~
30 ~~groundwater sustainability plan for the probationary basin or a~~
31 ~~portion thereof.~~
32 ~~(B) A person authorized to file the petition by a judicial order~~
33 ~~or decree entered in an adjudication action in the probationary~~
34 ~~basin.~~
35 ~~(2) The board shall act on a petition filed pursuant to paragraph~~
36 ~~(1) within 90 days after the petition is complete. If the board, in~~
37 ~~consultation with the department, determines that the groundwater~~
38 ~~sustainability plan or adjudication action is adequate, the board~~
39 ~~shall rescind the interim plan adopted by the board for the~~
40 ~~probationary basin, except as provided in paragraphs (3) and (4).~~

1 ~~(3) Upon request of the petitioner, the board may amend an~~
2 ~~interim plan adopted under this section to eliminate portions of~~
3 ~~the interim plan, while allowing other portions of the interim plan~~
4 ~~to continue in effect.~~

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

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

15 ~~10736. (a) The board shall adopt or amend a determination or~~
16 ~~interim plan under Section 10735.2 or 10735.8 in accordance with~~
17 ~~procedures for quasi-legislative action.~~

18 ~~(b) The board shall provide notice of a hearing described in~~
19 ~~subdivision (a) of Section 10735.2 or subdivision (a) of Section~~
20 ~~10735.8 as follows:~~

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

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

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

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

1 ~~(e) The board shall provide notice of proceedings to amend or~~
2 ~~repeal a determination or plan under Section 10735.2 or 10735.8~~
3 ~~as appropriate to the proceedings, taking into account the nature~~
4 ~~of the proposed revision and the person likely to be affected.~~

5 ~~(d) (1) Except as provided in paragraphs (2) and (3), Chapter~~
6 ~~3.5 (commencing with Section 11340) of Part 1 of Division 2 of~~
7 ~~Title 2 of the Government Code does not apply to any action~~
8 ~~authorized pursuant to Section 10735.2 or 10735.8.~~

9 ~~(2) The board may adopt a regulation in accordance with Chapter~~
10 ~~3.5 (commencing with Section 11340) of Part 1 of Division 2 of~~
11 ~~Title 2 of the Government Code setting procedures for adopting a~~
12 ~~determination or plan.~~

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

18 ~~10736.2. Division 13 (commencing with Section 21000) of the~~
19 ~~Public Resources Code does not apply to any action or failure to~~
20 ~~act by the board under this chapter, other than the adoption or~~
21 ~~amendment of an interim plan pursuant to Section 10735.8.~~

22 ~~10736.4. The extraction or use of water extracted in violation~~
23 ~~of an interim plan under this part shall not be relied upon as a basis~~
24 ~~for establishing the extraction or use of water to support a claim~~
25 ~~in an action or proceeding for determination of water rights.~~

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

39 ~~(b) (1) An order issued pursuant to this section shall be served~~
40 ~~by personal service or registered mail on the party to submit~~

1 technical or monitoring program reports or to pay a share of the
 2 costs of preparing reports. Unless the board issues the order after
 3 a hearing, the order shall inform the party of the right to request a
 4 hearing within 30 days after the party has been served. If the party
 5 does not request a hearing within that 30-day period, the order
 6 shall take effect as issued. If the party requests a hearing within
 7 that 30-day period, the board may adopt a decision and order after
 8 conducting a hearing.

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

14 (e) Upon application of a person or upon its own motion, the
 15 board may review and revise an order issued or regulation adopted
 16 pursuant to this section in accordance with the procedures set forth
 17 in subdivision (b).

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

26 ~~SEC. 13:~~

27 *SEC. 4.* Section 10750.1 is added to the Water Code, to read:

28 10750.1. (a) Beginning January 1, 2015, a new plan shall not
 29 be adopted and an existing plan shall not be renewed pursuant to
 30 this part, except as provided in subdivision (b). A plan adopted
 31 before January 1, 2015, shall remain in effect until a groundwater
 32 sustainability plan is adopted pursuant to Part 2.74 (commencing
 33 with Section 10720).

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

37 (c) This section does not apply to a plan submitted as an
 38 alternative pursuant to Section 10733.6, unless the department has
 39 not determined that the alternative satisfies the objectives of Part
 40 2.74 (commencing with Section 10720) on or before January 31,

1 2020, or the department later determines that the plan does not
2 satisfy the objectives of that part.

3 ~~SEC. 14.~~

4 *SEC. 5.* Section 10927 of the Water Code is amended to read:

5 10927. Any of the following entities may assume responsibility
6 for monitoring and reporting groundwater elevations in all or a
7 part of a basin or subbasin in accordance with this part:

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

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

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

19 (3) A groundwater sustainability agency with statutory authority
20 to manage groundwater pursuant to Part 2.74 (commencing with
21 Section 10720).

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

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

37 (e) A local agency that has been collecting and reporting
38 groundwater elevations and that does not have an adopted
39 groundwater management plan, if the local agency adopts a
40 groundwater management plan in accordance with Part 2.75

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

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

12 (g) A voluntary cooperative groundwater monitoring association
13 formed pursuant to Section 10935.

14 ~~SEC. 15.~~

15 *SEC. 6.* Section 10933 of the Water Code is amended to read:

16 10933. (a) The department shall commence to identify the
17 extent of monitoring of groundwater elevations that is being
18 undertaken within each basin and subbasin.

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

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

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

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

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

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

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

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

36 (H) Any other information determined to be relevant by the
37 department.

38 (2) The department, in consultation with the Department of Fish
39 and Wildlife, shall identify and develop prioritization criteria for
40 the purpose of identifying groundwater basins and subbasins that

1 should be prioritized based on adverse impacts to habitat and
2 surface water resources. These criteria shall be incorporated into
3 the determination of basin and subbasin prioritization at the
4 department's next update of basin and subbasin prioritizations that
5 occurs after January 1, 2017.

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

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

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

13 (A) A groundwater management plan pursuant to Part 2.75
14 (commencing with Section 10750).

15 (B) An integrated regional water management plan pursuant to
16 Part 2.2 (commencing with Section 10530) that includes a
17 groundwater management component that complies with the
18 requirements of Section 10753.7.

19 (C) A voluntary groundwater monitoring association pursuant
20 to Section 10935.

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

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

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

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

39 (3) If the department determines that the monitoring wells
40 identified pursuant to paragraph (1) provide sufficient information

1 to demonstrate seasonal and long-term trends in groundwater
2 elevations, the department shall not perform groundwater
3 monitoring functions pursuant to Section 10933.5.

4 (4) If the department determines that the monitoring wells
5 identified pursuant to paragraph (1) provide insufficient
6 information to demonstrate seasonal and long-term trends in
7 groundwater elevations, the department shall perform groundwater
8 monitoring functions pursuant to Section 10933.5.

9 ~~SEC. 16.~~

10 *SEC. 7.* Section 12924 of the Water Code is amended to read:

11 12924. (a) The department, in conjunction with other public
12 agencies, shall conduct an investigation of the state's groundwater
13 basins. The department shall identify the state's groundwater basins
14 on the basis of geological and hydrological conditions and
15 consideration of political boundary lines whenever practical. The
16 department shall also investigate existing general patterns of
17 groundwater extraction and groundwater recharge within those
18 basins to the extent necessary to identify basins that are subject to
19 critical conditions of overdraft.

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

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

26 ~~SEC. 17.~~

27 *SEC. 8.* The provisions of this act are severable. If any
28 provision of this act or its application is held invalid, that invalidity
29 shall not affect other provisions or applications that can be given
30 effect without the invalid provision or application.

31 ~~SEC. 18.~~ ~~No reimbursement is required by this act pursuant to~~
32 ~~Section 6 of Article XIII B of the California Constitution for certain~~
33 ~~costs that may be incurred by a local agency or school district~~
34 ~~because, in that regard, this act creates a new crime or infraction,~~
35 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
36 ~~or infraction, within the meaning of Section 17556 of the~~
37 ~~Government Code, or changes the definition of a crime within the~~
38 ~~meaning of Section 6 of Article XIII B of the California~~
39 ~~Constitution.~~

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

6 ~~SEC. 19. The Legislature finds and declares that Section 11 of~~
7 ~~this act, which adds Section 5206 to the Water Code and Section~~
8 ~~12 of this act, which adds Section 10730.8 to the Water Code,~~
9 ~~impose a limitation on the public's right of access to the meetings~~
10 ~~of public bodies or the writings of public officials and agencies~~
11 ~~within the meaning of Section 3 of Article I of the California~~
12 ~~Constitution. Pursuant to that constitutional provision, the~~
13 ~~Legislature makes the following findings to demonstrate the interest~~
14 ~~protected by this limitation and the need for protecting that interest:~~

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

19 *SEC. 9. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *the only costs that may be incurred by a local agency or school*
22 *district will be incurred because this act creates a new crime or*
23 *infraction, eliminates a crime or infraction, or changes the penalty*
24 *for a crime or infraction, within the meaning of Section 17556 of*
25 *the Government Code, or changes the definition of a crime within*
26 *the meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

28 *SEC. 10. This act shall only become operative if Assembly Bill*
29 *1739 of the 2013–14 Regular Session is enacted and becomes*
30 *effective.*