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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 10927, 10933, and 12924 of, to add Sections 113 and 10750.1 to, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 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~~: *subbasins based on specified considerations, including any information determined to be relevant by the department.*

~~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:~~ *specify that this relevant information may include adverse impacts on local habitat and local streamflows.* 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 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~~ *adopt regulations on* 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, require~~ all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources *that are designated as basins subject to critical conditions of overdraft* to be managed under a groundwater sustainability plan or coordinated groundwater sustainability ~~plans, with specified exceptions: plans by January 31, 2020, and would require all other~~ groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. 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.

This bill would authorize a groundwater sustainability agency to conduct inspections and would authorize a groundwater sustainability agency 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.

(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.

1 (9) In those circumstances where a local groundwater
2 management agency is not managing its groundwater sustainably,
3 the state needs to protect the resource until it is determined that a
4 local groundwater management agency can sustainably manage
5 the groundwater basin or subbasin.

6 (10) Information on the amount of groundwater extraction,
7 natural and artificial recharge, and groundwater evaluations are
8 critical for effective management of groundwater.

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

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

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

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

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

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

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

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

5
 6 PART 2.74. SUSTAINABLE GROUNDWATER
 7 MANAGEMENT

8
 9 CHAPTER 1. GENERAL PROVISIONS

10
 11 10720. This part shall be known, and may be cited, as the
 12 “Sustainable Groundwater Management Act.”

13 10720.1. In enacting this part, it is the intent of the Legislature
 14 to do all of the following:

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

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

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

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

28 (e) To avoid or minimize subsidence.

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

31 (g) To increase groundwater storage and remove impediments
 32 to recharge.

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

37 10720.3. (a) This part applies to all groundwater basins in the
 38 state.

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

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

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

27 10720.5. (a) Groundwater management pursuant to this part
28 shall be consistent with Section 2 of Article X of the California
29 Constitution. Nothing in this part modifies rights or priorities to
30 use or store groundwater consistent with Section 2 of Article X of
31 the California Constitution, except that in basins designated
32 medium- or high-priority basins by the department, no extraction
33 of groundwater between January 1, 2015, and the date of adoption
34 of a groundwater sustainability plan pursuant to this part, whichever
35 is sooner, may be used as evidence of, or to establish or defend
36 against, any claim of prescription.

37 (b) *Nothing in this part, or in any groundwater management*
38 *plan adopted pursuant to this part, determines or alters surface*
39 *water rights or groundwater rights under common law or any*
40 *provision of law that determines or grants surface water rights.*

1 10720.7. (a) (1) By January 31, 2020, all basins designated
 2 as high- or medium-priority basins by the department *that have*
 3 *been designated in Bulletin 118, as may be updated or revised on*
 4 *or before January 1, 2017, as basins that are subject to critical*
 5 *conditions of overdraft* shall be managed under a groundwater
 6 sustainability plan or coordinated groundwater sustainability plans
 7 pursuant to this part.

8 (2) *By January 31, 2022, all basins designated as high- or*
 9 *medium-priority basins by the department that are not subject to*
 10 *paragraph (1) shall be managed under a groundwater*
 11 *sustainability plan or coordinated groundwater sustainability*
 12 *plans pursuant to this part.*

13 (b) The Legislature encourages and authorizes basins designated
 14 as low- and very low-priority basins by the department to be
 15 managed under groundwater sustainability plans pursuant to this
 16 part. Chapter 11 (commencing with Section 10735) does not apply
 17 to a basin designated as a low- or very low-priority basin.

18 10720.8. (a) Except as provided in subdivision ~~(d)~~, (e), this
 19 part does not apply to the following adjudicated areas or a local
 20 agency that conforms to the requirements of an adjudication of
 21 water rights for one of the following adjudicated areas:

- 22 (1) Beaumont Basin.
- 23 (2) Brite Basin.
- 24 (3) Central Basin.
- 25 (4) Chino Basin.
- 26 (5) Cucamonga Basin.
- 27 (6) Cummings Basin.
- 28 (7) Goleta Basin.
- 29 (8) *Lytle Basin.*
- 30 ~~(8)~~
- 31 (9) Main San Gabriel Basin.
- 32 ~~(9)~~
- 33 (10) Mojave Basin Area.
- 34 ~~(10)~~
- 35 (11) Puente Basin.
- 36 ~~(11)~~
- 37 (12) Raymond Basin.
- 38 ~~(12)~~
- 39 (13) Rialto-Colton Basin.
- 40 ~~(13)~~

- 1 (14) Riverside Basin.
- 2 ~~(14)~~
- 3 (15) San Bernardino Basin Area.
- 4 ~~(15)~~
- 5 (16) San Jacinto Basin.
- 6 ~~(16)~~
- 7 (17) Santa Margarita River Watershed.
- 8 ~~(17)~~
- 9 (18) Santa Maria Valley Basin.
- 10 ~~(18)~~
- 11 (19) Santa Paula Basin.
- 12 ~~(19)~~
- 13 (20) Scott River Stream System.
- 14 ~~(20)~~
- 15 (21) Seaside Basin.
- 16 ~~(21)~~
- 17 (22) Six Basins.
- 18 ~~(22)~~
- 19 (23) Tehachapi Basin.
- 20 ~~(23)~~
- 21 (24) Upper Los Angeles River Area.
- 22 ~~(24)~~
- 23 (25) Warren Valley Basin.
- 24 ~~(25)~~
- 25 (26) West Coast Basin.

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

31 ~~(c) The Owens Valley Groundwater Basin area managed~~
32 ~~pursuant to the terms of the stipulated judgment of City of Los~~
33 ~~Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo~~
34 ~~County Case No. 12908) shall be treated as an adjudicated area~~
35 ~~pursuant to this section.~~

36 (c) Any groundwater basin or portion of a groundwater basin
37 in Inyo County managed pursuant to the terms of the stipulated
38 judgment in *City of Los Angeles v. Board of Supervisors of the*
39 *County of Inyo, et al. (Inyo County Case No. 12908)* shall be
40 treated as an adjudicated area pursuant to this section.

1 (d) *The Los Osos Groundwater Basin at issue in Los Osos*
 2 *Community Service District v. Southern California Water Company*
 3 *[Golden State Water Company] et al. (San Luis Obispo County*
 4 *Superior Court Case No. CV 040126) shall be treated as an*
 5 *adjudicated basin pursuant to this section if the superior court*
 6 *issues a final judgment, order, or decree.*

7 ~~(d)~~

8 (e) If an adjudication action has determined the rights to extract
 9 groundwater for only a portion of a basin, subdivisions (a), (b),
 10 ~~and (e)~~ (c), and (d) apply only within the area for which the
 11 adjudication action has determined those rights.

12 ~~(e)~~

13 (f) The watermaster or a local agency within a basin identified
 14 in subdivision (a) shall do all of the following:

15 (1) By April 1, 2016, submit to the department a copy of a
 16 governing final judgment, or other judicial order or decree, and
 17 any amendments entered before April 1, 2016.

18 (2) Within 90 days of entry by a court, submit to the department
 19 a copy of any amendment made and entered by the court to the
 20 governing final judgment or other judicial order or decree on or
 21 after April 1, 2016.

22 (3) By April 1, 2016, and annually thereafter, submit to the
 23 department a report containing the following information to the
 24 extent available for the portion of the basin subject to the
 25 adjudication:

26 (A) Groundwater elevation data unless otherwise submitted
 27 pursuant to Section 10932.

28 (B) Annual aggregated data identifying groundwater extraction
 29 for the preceding water year.

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

32 (D) Total water use.

33 (E) Change in groundwater storage.

34 (F) The annual report submitted to the court.

35 10720.9. All relevant state agencies, including, but not limited
 36 to, the board, the regional water quality control boards, the
 37 department, and the Department of Fish and Wildlife, shall consider
 38 the policies of this part, and any groundwater sustainability plans
 39 adopted pursuant to this part, when revising or adopting policies,

1 regulations, or criteria, or when issuing orders or determinations,
2 where pertinent.

3
4 CHAPTER 2. DEFINITIONS

5
6 10721. Unless the context otherwise requires, the following
7 definitions govern the construction of this part:

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

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

17 (c) “Bulletin 118” means the department’s report entitled
18 “California’s Groundwater: Bulletin 118” updated in 2003, as it
19 may be subsequently updated or revised in accordance with Section
20 12924.

21 (d) “Coordination agreement” means a legal agreement adopted
22 between two or more groundwater sustainability agencies that
23 provides the basis for coordinating multiple agencies or
24 groundwater sustainability plans within a basin pursuant to this
25 part.

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

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

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

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

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

38 (j) “Groundwater sustainability agency” means one or more
39 local agencies that implement the provisions of this part. For
40 purposes of imposing fees pursuant to Chapter 8 (commencing

- 1 with Section 10730) or taking action to enforce a groundwater
 2 sustainability plan, “groundwater sustainability agency” also means
 3 each local agency comprising the groundwater sustainability
 4 agency if the plan authorizes separate agency action.
- 5 (k) “Groundwater sustainability plan” or “plan” means a plan
 6 of a groundwater sustainability agency proposed or adopted
 7 pursuant to this part.
- 8 (l) “Groundwater sustainability program” means a coordinated
 9 and ongoing activity undertaken to benefit a basin, pursuant to a
 10 groundwater sustainability plan.
- 11 (m) “Local agency” means a local public agency that has water
 12 supply, water management, or land use responsibilities within a
 13 groundwater basin.
- 14 (n) “Operator” means a person operating a groundwater
 15 extraction facility. The owner of a groundwater extraction facility
 16 shall be conclusively presumed to be the operator unless a
 17 satisfactory showing is made to the governing body of the
 18 groundwater sustainability agency that the groundwater extraction
 19 facility actually is operated by some other person.
- 20 (o) “Owner” means a person owning a groundwater extraction
 21 facility or an interest in a groundwater extraction facility other
 22 than a lien to secure the payment of a debt or other obligation.
- 23 (p) *“Personal information” has the same meaning as defined*
 24 *in Section 1798.3 of the Civil Code.*
- 25 ~~(q)~~
- 26 (q) “Planning and implementation horizon” means a 50-year
 27 time period over which a groundwater sustainability agency
 28 determines that plans and measures will be implemented in a basin
 29 to ensure that the basin is operated within its sustainable yield.
- 30 ~~(r)~~
- 31 (r) “Public water system” has the same meaning as defined in
 32 Section 116275 of the Health and Safety Code.
- 33 ~~(s)~~
- 34 (s) “Recharge area” means the area that supplies water to an
 35 aquifer in a groundwater basin.
- 36 ~~(t)~~
- 37 (t) “Sustainability goal” means the existence and implementation
 38 of one or more groundwater sustainability plans that achieve
 39 sustainable groundwater management by identifying and causing

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

3 (t)

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

8 (u)

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

14 (v)

15 (w) “Undesirable result” means one or more of the following
16 effects caused by groundwater conditions occurring throughout
17 the basin:

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

26 (2) Significant and unreasonable reduction of groundwater
27 storage.

28 (3) Significant *and unreasonable* seawater intrusion.

29 (4) Significant and unreasonable degraded water quality,
30 including the migration of contaminant plumes that impair water
31 supplies.

32 (5) Significant *and unreasonable* land subsidence that
33 substantially interferes with surface land uses.

34 (6) Surface water depletions that have significant *and*
35 *unreasonable* adverse impacts on beneficial ~~uses~~: *uses of the*
36 *surface water*.

37 (w)

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

1 ~~(x)~~
 2 (y) “Watermaster” means a watermaster appointed by a court
 3 or pursuant to other law.

4 ~~(y)~~
 5 (z) “Water year” means the period from October 1 through the
 6 following September 30, inclusive.

7 ~~(z)~~
 8 (aa) “Wellhead protection area” means the surface and
 9 subsurface area surrounding a water well or well field that supplies
 10 a public water system through which contaminants are reasonably
 11 likely to migrate toward the water well or well field.

12
 13 CHAPTER 3. BASIN BOUNDARIES

14
 15 10722. Unless other basin boundaries are established pursuant
 16 to this chapter, a basin’s boundaries shall be as identified in
 17 Bulletin 118.

18 10722.2. (a) A local agency may request that the department
 19 revise the boundaries of a basin, including the establishment of
 20 new subbasins. A local agency’s request shall be supported by the
 21 following information:

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

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

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

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

32 (b) By January 1, 2016, the department shall ~~develop and publish~~
 33 ~~guidelines~~ *adopt regulations* regarding the information required
 34 to comply with subdivision (a), ~~as well as including~~ the
 35 methodology and criteria to be used to evaluate the proposed
 36 revision. ~~The guidelines, methodology, and criteria required~~
 37 ~~pursuant to this subdivision are exempt from Chapter 3.5~~
 38 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
 39 ~~2 of the Government Code. The department shall adopt the~~
 40 ~~regulations, including any amendments thereto, authorized by this~~

1 *section as emergency regulations in accordance with the*
2 *Administrative Procedure Act (Chapter 3.5 (commencing with*
3 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
4 *Code). The adoption of these regulations is an emergency and*
5 *shall be considered by the Office of Administrative Law as*
6 *necessary for the immediate preservation of the public peace,*
7 *health and safety, or general welfare. Notwithstanding the*
8 *Administrative Procedure Act, emergency regulations adopted by*
9 *the department pursuant to this section shall not be subject to*
10 *review by the Office of Administrative Law and shall remain in*
11 *effect until revised by the department.*

12 (c) Methodology and criteria established pursuant to subdivision
13 (b) shall address all of the following:

14 (1) How to assess the likelihood that the proposed basin can be
15 sustainably managed.

16 (2) How to assess whether the proposed basin would limit the
17 sustainable management of adjacent basins.

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

20 (d) Prior to adopting and finalizing the ~~guidelines, regulations,~~
21 the department shall conduct three public meetings to consider
22 public comments. The department shall publish the draft ~~guidelines~~
23 ~~regulations~~ on its Internet Web site at least 30 days before the
24 public meetings. One meeting shall be conducted at a location in
25 northern California, one meeting shall be conducted at a location
26 in the central valley of California, and one meeting shall be
27 conducted at a location in southern California. ~~Upon adoption, the~~
28 ~~department shall publish the guidelines on its Internet Web site.~~

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

34 10722.4. (a) Pursuant to Section 10933, for the purposes of
35 this part the department shall categorize each basin as one of the
36 following priorities:

37 (1) High priority.

38 (2) Medium priority.

39 (3) Low priority.

40 (4) Very low priority.

1 (b) The initial priority for each basin shall be established by the
2 department pursuant to Section 10933 no later than January 31,
3 2015.

4 (c) Anytime the department updates Bulletin 118 boundaries
5 pursuant to subdivision (b) of Section 12924, the department shall
6 reassess the prioritization pursuant to Section 10933.

7 (d) Anytime the department changes the basin priorities pursuant
8 to Section 10933, if a basin is elevated to a medium- or
9 high-priority basin after January 31, 2015, a local agency shall
10 have two years from the date of reprioritization to either establish
11 a groundwater sustainability agency pursuant to Chapter 4
12 (commencing with Section 10723) and five years from the date of
13 reprioritization to adopt a groundwater sustainability plan pursuant
14 to Chapter 6 (commencing with Section 10727) or two years to
15 satisfy the requirements of Section 10733.6.

16
17 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
18 AGENCIES
19

20 10723. (a) Except as provided in subdivision (c), any local
21 agency or combination of local agencies overlying a groundwater
22 basin may elect to be a groundwater sustainability agency for that
23 basin.

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

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

32 (A) *Alameda County Flood Control and Water Conservation*
33 *District, Zone 7.*

34 (B) *Alameda County Water District.*

35 ~~(A)~~

36 (C) Desert Water Agency.

37 ~~(B)~~

38 (D) Fox Canyon Groundwater Management Agency.

39 ~~(C)~~

40 (E) Honey Lake Valley Groundwater Management District.

- 1 ~~(D)~~
- 2 (F) Long Valley Groundwater Management District.
- 3 ~~(E)~~
- 4 (G) Mendocino City Community Services District.
- 5 ~~(F)~~
- 6 (H) Mono County Tri-Valley Groundwater Management
- 7 District.
- 8 ~~(G)~~
- 9 (I) Monterey Peninsula Water Management District.
- 10 ~~(H)~~
- 11 (J) Ojai Groundwater Management Agency.
- 12 ~~(I)~~
- 13 (K) Orange County Water District.
- 14 ~~(J)~~
- 15 (L) Pajaro Valley Water Management Agency.
- 16 ~~(K)~~
- 17 (M) Santa Clara Valley Water District.
- 18 ~~(L)~~
- 19 (N) Sierra Valley Water District.
- 20 ~~(M)~~
- 21 (O) Willow Creek Groundwater Management Agency.

22 (2) An agency identified in this subdivision may elect to opt
23 out of being the exclusive groundwater management agency within
24 its statutory boundaries by sending a notice to the department,
25 which shall be posted pursuant to Section 10733.3. If an agency
26 identified in paragraph (1) elects to opt out of being the exclusive
27 groundwater management agency, any other local agency or
28 combination of local agencies operating within the statutory
29 boundaries of the agency that has elected to opt out may notify the
30 department pursuant to subdivision (d) of its election to be the
31 groundwater sustainability agency.

32 (3) A local agency listed in paragraph (1) may comply with this
33 part by meeting the requirements of Section 10733.6 or electing
34 to become a groundwater sustainability agency pursuant to this
35 section. A local agency with authority to implement a basin-specific
36 management plan pursuant to its principal act shall not exercise
37 any authorities granted in this part in a manner inconsistent with
38 any prohibitions or limitations in its principal act unless the
39 governing board of the local agency makes a finding that the

1 agency is unable to sustainably manage the basin without the
2 prohibited authority.

3 (d) A local agency or combination of local agencies that elects
4 to be the groundwater sustainability agency shall submit a notice
5 of intent to the department, which shall be posted pursuant to
6 Section 10733.3. The notice of intent shall include a description
7 of the proposed boundaries of the basin or portion of the basin that
8 the local agency or combination of local agencies intends to
9 manage pursuant to this part.

10 10723.2. The groundwater sustainability agency shall consider
11 the interests of all beneficial uses and users of groundwater, as
12 well as those responsible for implementing groundwater
13 sustainability plans. These interests include, but are not limited to,
14 all of the following:

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

16 (1) Agricultural users.

17 (2) Domestic well owners.

18 (b) Municipal well operators.

19 (c) Public water systems.

20 (d) Local land use planning agencies.

21 (e) Environmental users of groundwater.

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

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

26 (h) California Native American tribes.

27 (i) Disadvantaged communities, including, but not limited to,
28 those served by private domestic wells or small community water
29 systems.

30 (j) *Entities listed in Section 10927 that are monitoring and*
31 *reporting groundwater elevations in all or a part of a groundwater*
32 *basin managed by the groundwater sustainability agency.*

33 10723.4. The groundwater sustainability agency shall establish
34 and maintain a list of persons interested in receiving notices
35 regarding plan preparation, meeting announcements, and
36 availability of draft plans, maps, and other relevant documents.
37 Any person may request, in writing, to be placed on the list of
38 interested persons.

1 10723.6. (a) A combination of local agencies may form a
2 groundwater sustainability agency by using any of the following
3 methods:

4 ~~(a)~~

5 (1) A joint powers agreement.

6 ~~(b)~~

7 (2) A memorandum of agreement or other legal agreement.

8 (b) *A water corporation regulated by the Public Utilities*
9 *Commission may participate in a groundwater sustainability*
10 *agency if the local agencies approve.*

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

17 (1) The service area boundaries, the basin the agency is
18 managing, and the other groundwater sustainability agencies
19 operating within the basin.

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

21 (3) A copy of any new bylaws, ordinances, or new authorities
22 adopted by the local agency.

23 (4) A list of interested parties developed pursuant to Section
24 10723.2 and an explanation of how their interests will be
25 considered in the development and operation of the groundwater
26 sustainability agency and the development and implementation of
27 the agency's sustainability plan.

28 (b) Except as provided in subdivision (d), 90 days following
29 the posting of the notice pursuant to this section, the groundwater
30 sustainability agency shall be presumed the exclusive groundwater
31 sustainability agency within the area of the basin the agency is
32 managing as described in the ~~notice~~: *notice, provided that no other*
33 *notice was submitted.*

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

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

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

1 10724. (a) In the event that there is an area within a basin that
2 is not within the management area of a groundwater sustainability
3 agency, the county within which that unmanaged area lies will be
4 presumed to be the groundwater sustainability agency for that area.

5 (b) A county described in subdivision (a) shall provide
6 notification to the department pursuant to Section 10723.8 unless
7 the county notifies the department that it will not be the
8 groundwater sustainability agency for the area. Extractions of
9 groundwater made on or after ~~January~~ *July* 1, 2017, in that area
10 shall be subject to reporting in accordance with Part 5.2
11 (commencing with Section 5200) of Division 2 if the county does
12 either of the following:

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

15 (2) Fails to provide notification to the department pursuant to
16 Section 10723.8 for an area on or before ~~January 1,~~ *June 30,* 2017.

17
18 CHAPTER 5. POWERS AND AUTHORITIES
19

20 10725. (a) A groundwater sustainability agency may exercise
21 any of the powers described in this chapter in implementing this
22 part, in addition to, and not as a limitation on, any existing
23 authority, if the groundwater sustainability agency adopts and
24 submits to the department a groundwater sustainability plan or
25 prescribed alternative documentation in accordance with Section
26 10733.6.

27 (b) A groundwater sustainability agency has and may use the
28 powers in this chapter to provide the maximum degree of local
29 control and flexibility consistent with the sustainability goals of
30 this part.

31 10725.2. (a) A groundwater sustainability agency may perform
32 any act necessary or proper to carry out the purposes of this part.

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

38 (c) In addition to any other applicable procedural requirements,
39 the groundwater sustainability agency shall provide notice of the
40 proposed adoption of the groundwater sustainability plan on its

1 Internet Web site and provide for electronic notice to any person
2 who requests electronic notification.

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

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

7 (2) To prepare and adopt a groundwater sustainability plan and
8 implementing rules and regulations.

9 (3) To propose and update fees.

10 (4) To monitor compliance and enforcement.

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

13 (c) In connection with an investigation, a groundwater
14 sustainability agency may inspect the property or facilities of a
15 person or entity to ascertain whether the purposes of this part are
16 being met and compliance with this part. The local agency may
17 conduct an inspection pursuant to this section upon obtaining any
18 necessary consent or obtaining an inspection warrant pursuant to
19 the procedure set forth in Title 13 (commencing with Section
20 1822.50) of Part 3 of the Code of Civil Procedure.

21 10725.6. A groundwater sustainability agency may require
22 registration of a groundwater extraction facility within the
23 management area of the groundwater sustainability agency.

24 10725.8. (a) A groundwater sustainability agency may require
25 through its groundwater sustainability plan that the use of every
26 groundwater extraction facility within the management area of the
27 groundwater sustainability agency be measured by a
28 water-measuring device satisfactory to the groundwater
29 sustainability agency.

30 (b) All costs associated with the purchase and installation of
31 the water-measuring device shall be borne by the owner or operator
32 of each groundwater extraction facility. The water measuring
33 devices shall be installed by the groundwater sustainability agency
34 or, at the groundwater sustainability agency's option, by the owner
35 or operator of the groundwater extraction facility. Water-measuring
36 devices shall be calibrated on a reasonable schedule as may be
37 determined by the groundwater sustainability agency.

38 (c) A groundwater sustainability agency may require, through
39 its groundwater sustainability plan, that the owner or operator of
40 a groundwater extraction facility within the groundwater

1 sustainability agency file an annual statement with the groundwater
2 sustainability agency setting forth the total extraction in acre-feet
3 of groundwater from the facility during the previous water year.

4 (d) In addition to the measurement of groundwater extractions
5 pursuant to subdivision (a), a groundwater sustainability agency
6 may use any other reasonable method to determine groundwater
7 extraction.

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

9 10726. An entity within the area of a groundwater sustainability
10 plan shall report the diversion of surface water to underground
11 storage to the groundwater sustainability agency for the relevant
12 portion of the basin.

13 10726.2. A groundwater sustainability agency may do the
14 following:

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

22 (b) Appropriate and acquire surface water or groundwater and
23 surface water or groundwater rights, import surface water or
24 groundwater into the agency, and conserve and store within or
25 outside the agency that water for any purpose necessary or proper
26 to carry out the provisions of this part, including, but not limited
27 to, the spreading, storing, retaining, or percolating into the soil of
28 the waters for subsequent use or in a manner consistent with the
29 provisions of Section 10727.2. As part of this authority, the agency
30 shall not alter another person's or agency's existing groundwater
31 conjunctive use or storage program except upon a finding that the
32 conjunctive use or storage program interferes with implementation
33 of the agency's groundwater sustainability plan.

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

36 (d) Perform any acts necessary or proper to enable the agency
37 to purchase, transfer, deliver, or exchange water or water rights of
38 any type with any person that may be necessary or proper to carry
39 out any of the purposes of this part, including, but not limited to,
40 providing surface water in exchange for a groundwater extractor's

1 agreement to reduce or cease groundwater extractions. The agency
2 shall not deliver retail water supplies within the service area of a
3 public water system without either the consent of that system or
4 authority under the agency's existing authorities.

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

9 (f) Commence, maintain, intervene in, defend, compromise,
10 and assume the cost and expenses of any and all actions and
11 proceedings.

12 10726.4. (a) A groundwater sustainability agency shall have
13 the following additional authority and may regulate groundwater
14 extraction using that authority:

15 (1) To impose spacing requirements on new groundwater well
16 construction to minimize well interference and impose reasonable
17 operating regulations on existing groundwater wells to minimize
18 well interference, including requiring extractors to operate on a
19 rotation basis.

20 (2) To control groundwater extractions by regulating, limiting,
21 or suspending extractions from individual groundwater wells or
22 extractions from groundwater wells in the aggregate, construction
23 of new groundwater wells, enlargement of existing groundwater
24 wells, or reactivation of abandoned groundwater wells, or otherwise
25 establishing groundwater extraction allocations. A limitation on
26 extractions by a groundwater sustainability agency shall not be
27 construed to be a final determination of rights to extract
28 groundwater from the basin or any portion of the basin.

29 (3) To authorize temporary and permanent transfers of
30 groundwater extraction allocations within the agency's boundaries,
31 if the total quantity of groundwater extracted in any water year is
32 consistent with the provisions of the groundwater sustainability
33 plan. The transfer is subject to applicable city and county
34 ordinances.

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

1 (b) This section does not authorize a groundwater sustainability
2 agency to issue permits for the construction, modification, or
3 abandonment of groundwater wells, except as authorized by a
4 county with authority to issue those permits. A groundwater
5 sustainability agency may request of the county, and the county
6 shall consider, that the county forward permit requests for the
7 construction of new groundwater wells, the enlarging of existing
8 groundwater wells, and the reactivation of abandoned groundwater
9 wells to the groundwater sustainability agency before permit
10 approval.

11 10726.6. (a) A groundwater sustainability agency that adopts
12 a groundwater sustainability plan may file an action to determine
13 the validity of the plan pursuant to Chapter 9 (commencing with
14 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure
15 no sooner than 180 days following the adoption of the plan.

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

20 (c) Any judicial action or proceeding to attack, review, set aside,
21 void, or annul the ordinance or resolution imposing a new, or
22 increasing an existing, fee imposed pursuant to Section 10730,
23 10730.2, or 10730.4 shall be commenced within 180 days following
24 the adoption of the ordinance or resolution.

25 (d) Any person may pay a fee imposed pursuant to Section
26 10730, 10730.2, or 10730.4 under protest and bring an action
27 against the governing body in the superior court to recover any
28 money that the governing body refuses to refund. Payments made
29 and actions brought under this section shall be made and brought
30 in the manner provided for the payment of taxes under protest and
31 actions for refund of that payment in Article 2 (commencing with
32 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
33 and Taxation Code, as applicable.

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

37 10726.8. (a) This part is in addition to, and not a limitation
38 on, the authority granted to a local agency under any other law.
39 The local agency may use the local agency's authority under any

1 other law to apply and enforce any requirements of this part,
2 including, but not limited to, the collection of fees.

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

6 ~~(b)~~

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

9 ~~(c)~~

10 *(d) Notwithstanding Section 6103 of the Government Code, a*
11 *state or local agency that extracts groundwater shall be subject to*
12 *a fee imposed under this part to the same extent as any*
13 *nongovernmental entity.*

14 ~~(d)~~

15 *(e) Except as provided in subdivision ~~(e)~~, (d), this part does not*
16 *authorize a local agency to impose any requirement on the state*
17 *or any agency, department, or officer of the state. State agencies*
18 *and departments shall work cooperatively with a local agency on*
19 *a voluntary basis.*

20 ~~(e)~~

21 *(f) Nothing in a groundwater sustainability plan shall be*
22 *interpreted as superseding the land use authority of cities and*
23 *counties.*

24

25 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS

26

27 10727. (a) A groundwater sustainability plan shall be
28 developed and implemented for each medium- or high-priority
29 basin by a groundwater sustainability agency to meet the
30 sustainability goal established pursuant to this part. The
31 groundwater sustainability plan may incorporate, extend, or be
32 based on a plan adopted pursuant to Part 2.75 (commencing with
33 Section 10750).

34 (b) A groundwater sustainability plan may be any of the
35 following:

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

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

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

5 10727.2. A groundwater sustainability plan shall include all
6 of the following:

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

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

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

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

14 (4) A map that details the area of the basin and the boundaries
15 of the groundwater sustainability agencies that overlie the basin
16 that have or are developing groundwater sustainability plans.

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

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

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

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

37 (B) The department may grant an extension pursuant to this
38 paragraph if the groundwater sustainability agency does all of the
39 following:

40 (i) Demonstrates a need for an extension.

1 (ii) Has made progress toward meeting the sustainability goal
2 as demonstrated by its progress at achieving the milestones
3 identified in its groundwater sustainability plan.

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

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

13 (c) A planning and implementation horizon.

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

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

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

23 (3) Mitigation of overdraft.

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

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

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

37 (f) Monitoring protocols that are designed to detect changes in
38 groundwater levels, groundwater quality, inelastic surface
39 subsidence for basins for which subsidence has been identified as
40 a potential problem, and flow and quality of surface water that

1 directly affect groundwater levels or quality or are caused by
2 groundwater extraction in the basin. The monitoring protocols
3 shall be designed to generate information that promotes efficient
4 and effective groundwater management.

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

10 10727.4. In addition to the requirements of Section 10727.2,
11 a groundwater sustainability plan shall include, where appropriate
12 and in collaboration with the appropriate local agencies, all of the
13 following:

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

34 10727.6. Groundwater sustainability agencies intending to
35 develop and implement multiple groundwater sustainability plans
36 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall
37 coordinate with other agencies preparing a groundwater
38 sustainability plan within the basin to ensure that the plans utilize
39 the same data and methodologies for the following assumptions
40 in developing the plan:

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

8 10727.8. (a) Prior to initiating the development of a
9 groundwater sustainability plan, the groundwater sustainability
10 agency shall make available to the public and the department a
11 written statement describing the manner in which interested parties
12 may participate in the development and implementation of the
13 groundwater sustainability plan. The groundwater sustainability
14 agency shall provide the written statement to the legislative body
15 of any city, county, or city and county located within the
16 geographic area to be covered by the plan. The groundwater
17 sustainability agency may appoint and consult with an advisory
18 committee consisting of interested parties for the purposes of
19 developing and implementing a groundwater sustainability plan.
20 The groundwater sustainability agency shall encourage the active
21 involvement of diverse social, cultural, and economic elements of
22 the population within the groundwater basin prior to and during
23 the development and implementation of the groundwater
24 sustainability plan.

25 (b) *For purposes of this section, interested parties include*
26 *entities listed in Section 10927 that are monitoring and reporting*
27 *groundwater elevations in all or a part of a groundwater basin*
28 *managed by the groundwater sustainability agency.*

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

- 34 (a) Groundwater elevation data.
- 35 (b) Annual aggregated data identifying groundwater extraction
36 for the preceding water year.
- 37 (c) Surface water supply used for or available for use for
38 groundwater recharge or in-lieu use.
- 39 (d) Total water use.
- 40 (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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 10933. (a) The department shall commence to identify the
 15 extent of monitoring of groundwater elevations that is being
 16 undertaken within each basin and subbasin.

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

- 21 ~~(A)~~
- 22 (1) The population overlying the basin or subbasin.
- 23 ~~(B)~~
- 24 (2) The rate of current and projected growth of the population
 25 overlying the basin or subbasin.
- 26 ~~(C)~~
- 27 (3) The number of public supply wells that draw from the basin
 28 or subbasin.
- 29 ~~(D)~~
- 30 (4) The total number of wells that draw from the basin or
 31 subbasin.
- 32 ~~(E)~~
- 33 (5) The irrigated acreage overlying the basin or subbasin.
- 34 ~~(F)~~
- 35 (6) The degree to which persons overlying the basin or subbasin
 36 rely on groundwater as their primary source of water.
- 37 ~~(G)~~
- 38 (7) Any documented impacts on the groundwater within the
 39 basin or subbasin, including overdraft, subsidence, saline intrusion,
 40 and other water quality degradation.

1 ~~(H)~~

2 (8) Any other information determined to be relevant by the
3 ~~department.~~ *department, including adverse impacts on local habitat*
4 *and local streamflows.*

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

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

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

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

20 (A) A groundwater management plan pursuant to Part 2.75
21 (commencing with Section 10750).

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

26 (C) A voluntary groundwater monitoring association pursuant
27 to Section 10935.

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

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

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

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

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

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

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

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

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

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

33 SEC. 8. The provisions of this act are severable. If any
34 provision of this act or its application is held invalid, that invalidity
35 shall not affect other provisions or applications that can be given
36 effect without the invalid provision or application.

37 SEC. 9. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 SEC. 10. This act shall only become operative if Assembly
7 Bill 1739 of the 2013–14 Regular Session is enacted and becomes
8 effective.

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