

AMENDED IN SENATE AUGUST 8, 2016
AMENDED IN SENATE MARCH 28, 2016
AMENDED IN SENATE SEPTEMBER 4, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JULY 6, 2015
AMENDED IN SENATE JUNE 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Salas

February 23, 2015

An act to add Chapter 7 (commencing with Section 44200) to Part 6 of Division 14 of the Water Code, relating to groundwater, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Salas. Extraction of groundwater: Semitropic Water Storage District.

The California Water Storage District Law authorizes the formation of water storage districts, as prescribed, with specified powers. Existing law, the Sustainable Groundwater Management Act, requires 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 by January 31, 2020, and requires 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. ~~The act authorizes a groundwater sustainability agency to require registration of a groundwater extraction facility and, through a groundwater sustainability plan, require that the use of every groundwater extraction facility be measured by a water-measuring device. The act authorizes a local agency to impose certain fees for the purposes of groundwater management planning until a groundwater sustainability plan is adopted as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.~~

~~This bill would authorize the Semitropic Water Storage District, in accordance with certain procedures in the act, to impose fees and District to collect groundwater extraction information. information and to require the reporting of groundwater information, as specified. This bill would authorize the district to impose fees on the extraction of groundwater from the basin to fund the costs of groundwater management and to require reporting of groundwater extractions. This bill would authorize the district to exercise these powers and authorities until a groundwater sustainability plan has been adopted for the area encompassing the district. basin, as prescribed.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the Semitropic Water Storage District.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Chapter 7 (commencing with Section 44200) is
2 added to Part 6 of Division 14 of the Water Code, to read:

3

4 CHAPTER 7. SEMITROPIC WATER STORAGE DISTRICT

5

6 44200. Unless the context otherwise requires, the following
7 definitions govern the construction of this chapter:

8 (a) "Basin" ~~has the same meaning as defined in Section 10721.~~
9 *means the Kern County Groundwater Basin, as defined in Bulletin*
10 *118.*

1 (b) “District” means the Semitropic Water Storage District and
2 its improvement districts.

3 (c) “Groundwater extraction facility” has the same meaning as
4 defined in Section 10721.

5 (d) “Management area” means the portion of the basin within
6 the boundaries of the district where the district has jurisdiction to
7 implement specific management practices.

8 (e) “Project” means the “Tulare Lake Storage and Floodwater
9 Protection Project” as described in the concept paper received
10 by the California Water Commission on March 31, 2016, and any
11 other groundwater storage or recharge project authorized by the
12 district and for which the district completes environmental review
13 on or before January 1, 2020.

14 ~~44202. The provisions of this chapter apply. This chapter~~
15 ~~applies only to the district. The district may exercise the powers~~
16 ~~and authorities granted by this chapter until a groundwater~~
17 ~~sustainability plan has been adopted pursuant to Part 2.74~~
18 ~~(commencing with Section 10720) of Division 6 for the area~~
19 ~~encompassing the district.~~

20 ~~44204. (a) In addition to levying assessments or fixing tolls~~
21 ~~and charges pursuant to Part 9 (commencing with Section 46000)~~
22 ~~and in lieu of calling assessments in whole or in part, the district~~
23 ~~may do the following:~~

24 ~~(1) Impose fees in accordance with the procedures provided in~~
25 ~~Chapter 8 (commencing with Section 10730) of Part 2.74 of~~
26 ~~Division 6.~~

27 ~~(2) Collect groundwater extraction information, as provided in~~
28 ~~Sections 10725.6 and 10725.8, as long as the district has adopted~~
29 ~~a groundwater management plan pursuant to Part 2.75~~
30 ~~(commencing with Section 10750) before January 1, 2015, and~~
31 ~~that plan is in effect.~~

32 ~~(b) A fee imposed pursuant to this section does not apply after~~
33 ~~the adoption of a groundwater sustainability plan for the area~~
34 ~~encompassing the district.~~

35 ~~44206. (a) The district shall have the following powers and~~
36 ~~authorities:~~

37 ~~(1) To impose fees on the extraction of groundwater from the~~
38 ~~basin to fund the costs of groundwater management, including,~~
39 ~~but not limited to, the costs of the following:~~

1 ~~(A) Administration, operation, and maintenance, including a~~
2 ~~prudent reserve.~~
3 ~~(B) Acquisition of lands or other properties, facilities, and~~
4 ~~services.~~
5 ~~(C) Supply, production, treatment, or distribution of water.~~
6 ~~(2) To require the reporting of groundwater extractions as~~
7 ~~follows:~~
8 ~~(A) The district may require every groundwater extraction~~
9 ~~facility within the service area of the district to be measured by a~~
10 ~~water-measuring device satisfactory to the district.~~
11 ~~(B) All costs associated with the purchase and installation of~~
12 ~~the water-measuring device shall be borne by the owner or operator~~
13 ~~of each groundwater extraction facility. The water measuring~~
14 ~~devices shall be installed by the district or, at the district's option,~~
15 ~~by the owner or operator of the groundwater extraction facility.~~
16 ~~Water-measuring devices shall be calibrated on a reasonable~~
17 ~~schedule as may be determined by the district.~~
18 ~~(C) The district may require that the owner or operator of a~~
19 ~~groundwater extraction facility within the district file an annual~~
20 ~~statement with the district setting forth the total extraction in~~
21 ~~acre-feet of groundwater from the facility during the previous~~
22 ~~water year.~~
23 ~~(D) In addition to the measurement of groundwater extractions~~
24 ~~pursuant to subparagraph (A), the district may use any other~~
25 ~~reasonable method to determine groundwater extraction.~~
26 ~~(E) If the owner or operator of a groundwater extraction facility~~
27 ~~fails to timely comply with the requirements for reporting~~
28 ~~groundwater extractions pursuant to this paragraph, the district~~
29 ~~board may, following an investigation, make a determination of~~
30 ~~the quantity of groundwater extracted and the amount shall not~~
31 ~~exceed the maximum production capacity of the groundwater~~
32 ~~extraction facility. The determination of the district board shall be~~
33 ~~conclusive on the owner or operator of the groundwater extraction~~
34 ~~facility. The groundwater charges based on this determination,~~
35 ~~together with any interest and penalties, shall be payable~~
36 ~~immediately unless within 20 days after the district's mailing of~~
37 ~~notice to the owner or operator of the district's determination, the~~
38 ~~owner or operator files with the district a written protest setting~~
39 ~~forth the ground for protesting the amount of groundwater~~
40 ~~extraction or the groundwater charges, interest, and penalties. If a~~

1 protest is filed pursuant to this subparagraph, the district board
2 shall hold a hearing to determine the total amount of groundwater
3 extracted and the groundwater charges, interest, and penalties.
4 Notice of the hearing shall be mailed to each protestant at least 20
5 days before the date fixed for the hearing.

6 (b) (1) Fees imposed pursuant to this section shall be adopted
7 in accordance with subdivisions (a) and (b) of Section 6 of Article
8 XIII D of the California Constitution.

9 (2) Fees imposed pursuant to this section may include fixed fees
10 and fees charged on a volumetric basis, including, but not limited
11 to, fees that increase based on the quantity of groundwater produced
12 annually, the year in which the production of groundwater
13 commenced from a groundwater extraction facility, and impacts
14 to the basin.

15 (3) Fees imposed pursuant to this chapter shall be collected in
16 the same manner as otherwise provided in Article 4 (commencing
17 with Section 47180) of Chapter 7 of Part 9.

18 44204. (a) *The district may collect groundwater extraction*
19 *information and require the reporting of groundwater information*
20 *within the management area and, in furtherance of that goal, may*
21 *do the following:*

22 (1) *Require registration of groundwater extraction facilities*
23 *within the management area.*

24 (2) *Require that the use of every groundwater extraction facility*
25 *within the management area be measured by a water-measuring*
26 *device satisfactory to the district.*

27 (3) *Require that all costs associated with the purchase and*
28 *installation of the water-measuring device pursuant to paragraph*
29 *(2) be borne by the owner or operator of each groundwater*
30 *extraction facility. Water-measuring devices shall be installed by*
31 *the district or, at the district's option, by the owner or operator*
32 *of the groundwater extraction facility. Water-measuring devices*
33 *shall be calibrated on a reasonable schedule as may be determined*
34 *by the district.*

35 (4) *Require that the owner or operator of a groundwater*
36 *extraction facility within the management area file an annual*
37 *statement with the district setting forth the total extraction in*
38 *acre-feet of groundwater from the facility during the previous year.*

1 (b) In addition to the measurement of groundwater extractions
2 pursuant to subdivision (a), the district may use any other
3 reasonable method to determine groundwater extraction.

4 (c) The district may exempt from this section a person who, for
5 domestic purposes, extracts two acre-feet or less of groundwater
6 per year.

7 44206. (a) In addition to levying assessments or fixing tolls
8 and charges pursuant to Part 9 (commencing with Section 46000)
9 and in lieu of imposing assessments in whole or in part, the district
10 may impose fees on the extraction of groundwater from the basin
11 to fund the costs of the following:

12 (1) Design, administration, operation, and maintenance of a
13 project, including a prudent reserve.

14 (2) Acquisition of lands or other properties, facilities, and
15 services to implement a project.

16 (3) Other costs directly related to design, implementation,
17 maintenance, and operation of a project.

18 (b) (1) If the owner or operator of a groundwater extraction
19 facility fails to timely comply with the requirements for reporting
20 groundwater extractions pursuant to Section 44204, the district
21 may make a determination of the quantity of groundwater extracted
22 following an investigation. The determined amount shall not exceed
23 the maximum production capacity of the groundwater extraction
24 facility. The district shall mail notice to the owner or operator of
25 the district's determination of the quantity of groundwater
26 extracted.

27 (2) The groundwater charges based on the determination
28 pursuant to paragraph (1), together with any interest and penalties,
29 shall be payable immediately unless, within 20 days after the
30 district's mailing of notice to the owner or operator of the district's
31 determination, the owner or operator files with the district a written
32 protest setting forth the grounds for protesting the amount of
33 groundwater extraction or groundwater charges, interest, or
34 penalties.

35 (3) If a protest is filed pursuant to paragraph (2), the district
36 shall hold a hearing to determine the total amount of groundwater
37 extracted and the groundwater charges, interest, and penalties.
38 Notice of the hearing shall be mailed to each protestant at least
39 20 days before the date fixed for the hearing.

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

4 (d) Fees imposed pursuant to this section may include fixed fees
5 and fees charged on a volumetric basis, including, but not limited
6 to, fees that increase based on the quantity of groundwater
7 produced annually, the year in which the production of
8 groundwater commenced from a groundwater extraction facility,
9 and impacts to the basin.

10 (e) Fees imposed pursuant to this chapter shall be collected in
11 the same manner as otherwise provided in Article 4 (commencing
12 with Section 47180) of Chapter 7 of Part 9.

13 44208. (a) This chapter shall not be construed as state
14 approval, authorization, or funding of a project, including, but
15 not limited to, funding available pursuant to the Water Quality,
16 Supply, and Infrastructure Improvement Act of 2014.

17 (b) A project shall comply with all applicable state laws,
18 including, but not limited to, Division 13 (commencing with Section
19 21000) of the Public Resources Code, Division 2 (commencing
20 with Section 1000), and Part 2.74 (commencing with Section
21 10720) of Division 6.

22 SEC. 2. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique circumstances of the Semitropic
26 Water Storage District.

27 SEC. 3. This act is an urgency statute necessary for the
28 immediate preservation of the public peace, health, or safety within
29 the meaning of Article IV of the Constitution and shall go into
30 immediate effect. The facts constituting the necessity are:

31 In order for the Semitropic Water Storage District to ~~timely~~
32 ~~implement actions to recover a groundwater basin subject to critical~~
33 ~~overdraft~~, pursue early implementation of storage and groundwater
34 projects that are needed in order to help recover the Kern County
35 Groundwater Basin, which is listed by the Department of Water
36 Resources as a critically overdrafted basin, it is necessary that
37 this act take effect immediately.

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