

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 617**

---

---

**Introduced by Assembly Member Perea**

February 24, 2015

---

---

An act to amend Sections 10720.5, 10720.8, 10721, 10723.6, 10725, 10726.8, 10727, 10727.2, 10727.4, 10727.6, 10728, 10728.6, 10733.4, 10735, and 10735.2 of, and to add Section 10726.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 617, as amended, Perea. Groundwater.

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

*This bill would revise the definition of “groundwater recharge” for the purposes of the act to permit the inclusion of in-lieu recharge through delivery of water to persons that otherwise extract groundwater, leaving groundwater in the basin.*

*The act authorizes a combination of local agencies to form a groundwater sustainability agency by a joint powers agreement, memorandum of agreement, or other legal agreement, and authorizes a water corporation regulated by the Public Utilities Commission to participate.*

*This bill would authorize a combination of one or more local agencies and one or more mutual water companies to enter into an agreement to form a groundwater sustainability agency and would authorize a groundwater sustainability agency formed by a joint powers agreement to exercise the powers granted in the act. ~~This bill would define “in-lieu use” for the purposes of the act.~~*

*The act authorizes a groundwater sustainability plan to be a single plan covering the entire basin developed and implemented by one or multiple groundwater sustainability agencies or multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin.*

*This bill would eliminate the requirement that the agreement cover the entire basin and would allow coordination pursuant to a coordination agreement.*

*The act ~~grants certain powers to groundwater sustainability agencies.~~ authorizes a groundwater sustainability agency to exercise certain powers in implementing the act, in addition to, and not as a limitation on, any existing authority, if the groundwater sustainability agency adopts and submits to the Department of Water Resources a groundwater sustainability plan or prescribed alternative documentation.*

*This bill would, in addition to any other authorities granted to a groundwater sustainability agency, authorize a groundwater sustainability agency to enter into *written* agreements and funding with private parties that assist in or facilitate the implementation of groundwater sustainability plans or elements of a groundwater sustainability plan. *This bill would eliminate the condition that a groundwater sustainability agency submit its groundwater sustainability plan to the department to authorize a groundwater sustainability agency to exercise its powers to implement the act.**

*The act, with a specified exception, does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state.*

~~This bill would require state agencies to comply with a groundwater sustainability plan adopted by a groundwater sustainability agency unless otherwise directed or authorized by statute. This bill would require a state agency to indicate to a groundwater sustainability agency in writing its authority for not complying with a groundwater sustainability plan.~~ *bill, if a groundwater sustainability agency finds that a state entity is not working cooperatively regarding implementation of a groundwater sustainability plan, would permit the groundwater sustainability agency to file notice with the board and require the board to notice proceedings to investigate the finding of the groundwater sustainability agency. This bill would authorize the board to direct the state entity to cooperate in the implementation of the groundwater sustainability plan if the board determines that the failure of the state entity to work cooperatively regarding implementation of a groundwater sustainability plan compromises the ability of the groundwater sustainability agency to implement the plan in a manner that will likely achieve the sustainability goal unless the state entity indicates its authority for not complying with the groundwater sustainability plan.*

The act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the board makes a certain determination. The act authorizes 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. The act prohibits the board from designating a basin as a probationary basin for a period of time equal to a delay caused by certain ~~litigation.~~ *litigation, including litigation that prevented a groundwater sustainability plan or program from being implemented in a manner likely to achieve the sustainability goal.*

~~This bill, if a groundwater sustainability agency or local agency proposing to be a groundwater sustainability agency provides evidence to the board that the agency was unable to meet any deadline or other requirement established by the act due to litigation brought by another party, would prohibit the board from designating a basin as a probationary basin for a period of time equal to the delay caused by litigation plus a reasonable additional period of time to allow the agency to comply with the act.~~

*The act requires a groundwater sustainability plan to include measurable objectives to achieve the sustainability goal within the basin within 20 years of the implementation of the plan. The act authorizes*

*the Department of Water Resources to grant an extension of up to 5 years beyond the 20-year sustainability timeframe upon a showing of good cause and to grant a 2nd extension of up to 5 years upon a showing of good cause if the groundwater sustainability agency has begun implementation of a prescribed work plan.*

*This bill would provide that good cause includes certain litigation that prevented a groundwater sustainability plan or program from being implemented in a manner likely to achieve the sustainability goal.*

The act requires the board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.

~~This bill would require the board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency has adopted and is implementing a groundwater sustainability plan.~~  
*demonstrates that it has adopted a groundwater sustainability plan and that it is being implemented in a manner that will likely achieve the sustainability goal.*

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

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

1 SECTION 1. Section 10720.5 of the Water Code is amended  
 2 to read:  
 3 10720.5. (a) Groundwater management pursuant to this part  
 4 shall be consistent with Section 2 of Article X of the California  
 5 Constitution. Nothing in this part modifies rights or priorities to  
 6 use or store groundwater consistent with Section 2 of Article X of  
 7 the California Constitution, except that in basins designated  
 8 medium- or high-priority basins by the department, no extraction  
 9 of groundwater between January 1, 2015, and the date of adoption  
 10 of a groundwater sustainability plan pursuant to this part or any  
 11 action to ~~control~~ *regulate* groundwater extractions taken pursuant  
 12 to ~~paragraph (2) of subdivision (a) of~~ *as a means of implementing*  
 13 *a groundwater sustainability plan pursuant to Section 10726.4,*  
 14 *may be used as evidence of, or to establish or defend against, any*  
 15 ~~claim to the use of groundwater.~~ *of prescription.*  
 16 (b) Nothing in this part, or in any groundwater management  
 17 plan adopted pursuant to this part, determines or alters surface

1 water rights or groundwater rights under common law or any  
2 provision of law that determines or grants surface water rights.

3 *SEC. 2. Section 10720.8 of the Water Code is amended to read:*

4 10720.8. (a) Except as provided in subdivision (e), this part  
5 does not apply to the following adjudicated areas or a local agency  
6 that conforms to the requirements of an adjudication of water rights  
7 for one of the following adjudicated areas:

8 (1) Beaumont Basin.

9 (2) Brite Basin.

10 (3) Central Basin.

11 (4) Chino Basin.

12 (5) Cucamonga Basin.

13 (6) Cummings Basin.

14 (7) Goleta Basin.

15 (8) Lytle Basin.

16 (9) Main San Gabriel Basin.

17 (10) Mojave Basin Area.

18 (11) Puente Basin.

19 (12) Raymond Basin.

20 (13) Rialto-Colton Basin.

21 (14) Riverside Basin.

22 (15) San Bernardino Basin Area.

23 (16) San Jacinto Basin.

24 (17) Santa Margarita River Watershed.

25 (18) Santa Maria Valley Basin.

26 (19) Santa Paula Basin.

27 (20) Scott River Stream System.

28 (21) Seaside Basin.

29 (22) Six Basins.

30 (23) Tehachapi Basin.

31 (24) Upper Los Angeles River Area.

32 (25) Warren Valley Basin.

33 (26) West Coast Basin.

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

39 (c) Any groundwater basin or portion of a groundwater basin  
40 in Inyo County managed pursuant to the terms of the stipulated

1 judgment in *City of Los Angeles v. Board of Supervisors of the*  
2 *County of Inyo, et al.* (Inyo County Case No. 12908) shall be  
3 treated as an adjudicated area pursuant to this section.

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

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

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

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

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

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

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

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

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

33 (D) Total water use.

34 (E) Change in groundwater storage.

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

36 ~~SEC. 2.~~

37 *SEC. 3.* Section 10721 of the Water Code is amended to read:

38 10721. Unless the context otherwise requires, the following  
39 definitions govern the construction of this part:

- 1 (a) “Adjudication action” means an action filed in the superior  
2 or federal district court to determine the rights to extract  
3 groundwater from a basin or store water within a basin, including,  
4 but not limited to, actions to quiet title respecting rights to extract  
5 or store groundwater or an action brought to impose a physical  
6 solution on a basin.
- 7 (b) “Basin” means a groundwater basin or subbasin identified  
8 and defined in Bulletin 118 or as modified pursuant to Chapter 3  
9 (commencing with Section 10722).
- 10 (c) “Bulletin 118” means the department’s report entitled  
11 “California’s Groundwater: Bulletin 118” updated in 2003, as it  
12 may be subsequently updated or revised in accordance with Section  
13 12924.
- 14 (d) “Coordination agreement” means a legal agreement adopted  
15 between two or more groundwater sustainability agencies that  
16 provides the basis for coordinating multiple agencies or  
17 groundwater sustainability plans within a basin pursuant to this  
18 part.
- 19 (e) “De minimis extractor” means a person who extracts, for  
20 domestic purposes, two acre-feet or less per year.
- 21 (f) “Governing body” means the legislative body of a  
22 groundwater sustainability agency.
- 23 (g) “Groundwater” means water beneath the surface of the earth  
24 within the zone below the water table in which the soil is  
25 completely saturated with water, but does not include water that  
26 flows in known and definite channels.
- 27 (h) “Groundwater extraction facility” means a device or method  
28 for extracting groundwater from within a basin.
- 29 (i) “Groundwater recharge” means the augmentation of  
30 groundwater, by natural or artificial ~~means~~; *means and may include*  
31 *in-lieu recharge through delivery of water to persons that otherwise*  
32 *extract groundwater, leaving groundwater in the basin.*
- 33 (j) “Groundwater sustainability agency” means one or more  
34 local agencies that implement the provisions of this part. For  
35 purposes of imposing fees pursuant to Chapter 8 (commencing  
36 with Section 10730) or taking action to enforce a groundwater  
37 sustainability plan, “groundwater sustainability agency” also means  
38 each local agency comprising the groundwater sustainability  
39 agency if the plan authorizes separate agency action.

- 1 (k) “Groundwater sustainability plan” or “plan” means a plan
- 2 of a groundwater sustainability agency proposed or adopted
- 3 pursuant to this part.
- 4 (l) “Groundwater sustainability program” means a coordinated
- 5 and ongoing activity undertaken to benefit a basin, pursuant to a
- 6 groundwater sustainability plan.
- 7 ~~(m) “In-lieu use” means the use of surface water by persons~~
- 8 ~~that could otherwise extract groundwater in order to leave~~
- 9 ~~groundwater in the basin.~~
- 10 ~~(n)~~
- 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 ~~(o)~~
- 15 (n) “Operator” means a person operating a groundwater
- 16 extraction facility. The owner of a groundwater extraction facility
- 17 shall be conclusively presumed to be the operator unless a
- 18 satisfactory showing is made to the governing body of the
- 19 groundwater sustainability agency that the groundwater extraction
- 20 facility actually is operated by some other person.
- 21 ~~(p)~~
- 22 (o) “Owner” means a person owning a groundwater extraction
- 23 facility or an interest in a groundwater extraction facility other
- 24 than a lien to secure the payment of a debt or other obligation.
- 25 ~~(q)~~
- 26 (p) “Personal information” has the same meaning as defined in
- 27 Section 1798.3 of the Civil Code.
- 28 ~~(r)~~
- 29 (q) “Planning and implementation horizon” means a 50-year
- 30 time period over which a groundwater sustainability agency
- 31 determines that plans and measures will be implemented in a basin
- 32 to ensure that the basin is operated within its sustainable yield.
- 33 ~~(s)~~
- 34 (r) “Public water system” has the same meaning as defined in
- 35 Section 116275 of the Health and Safety Code.
- 36 ~~(t)~~
- 37 (s) “Recharge area” means the area that supplies water to an
- 38 aquifer in a groundwater basin.
- 39 ~~(u)~~

1 (t) “Sustainability goal” means the existence and implementation  
2 of one or more groundwater sustainability plans that achieve  
3 sustainable groundwater management by identifying and causing  
4 the implementation of measures targeted to ensure that the  
5 applicable basin is operated within its sustainable yield.

6 ~~(v)~~

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

11 ~~(w)~~

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

17 ~~(x)~~

18 (w) “Undesirable result” means one or more of the following  
19 effects caused by groundwater conditions occurring throughout  
20 the basin:

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

29 (2) Significant and unreasonable reduction of groundwater  
30 storage.

31 (3) Significant and unreasonable seawater intrusion.

32 (4) Significant and unreasonable degraded water quality,  
33 including the migration of contaminant plumes that impair water  
34 supplies.

35 (5) Significant and unreasonable land subsidence that  
36 substantially interferes with surface land uses.

37 (6) Depletions of interconnected surface water that have  
38 significant and unreasonable adverse impacts on beneficial uses  
39 of the surface water.

40 ~~(y)~~

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

4 ~~(z)~~

5 (y) “Watermaster” means a watermaster appointed by a court  
 6 or pursuant to other law.

7 ~~(aa)~~

8 (z) “Water year” means the period from October 1 through the  
 9 following September 30, inclusive.

10 ~~(ab)~~

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

15 ~~SEC. 3.~~

16 *SEC. 4.* Section 10723.6 of the Water Code is amended to read:

17 10723.6. (a) A combination of local agencies or a combination  
 18 of one or more local agencies and one or more mutual water  
 19 companies may form a groundwater sustainability agency by using  
 20 any of the following methods:

21 (1) A joint powers agreement, pursuant to the Joint Exercise of  
 22 Powers Act (Chapter 5 (commencing with Section 6500) of  
 23 Division 7 of Title 1 of the Government Code), which may include  
 24 a mutual water company pursuant to Section 6525 of the  
 25 Government Code.

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

27 (b) A water corporation regulated by the Public Utilities  
 28 Commission may participate in a groundwater sustainability agency  
 29 if the other parties in the groundwater sustainability agency  
 30 approve.

31 (c) A groundwater sustainability agency formed pursuant to a  
 32 joint powers agreement may exercise all of the powers granted  
 33 pursuant to this part. The signatories to a joint powers agreement  
 34 forming a groundwater sustainability agency are deemed to hold  
 35 *in common* the powers granted to a groundwater sustainability  
 36 agency pursuant to this part ~~in common~~ in order for the  
 37 groundwater sustainability agency to exercise those powers.  
 38 *Nothing in this section shall be construed to grant any power to*  
 39 *a mutual water company, water corporation, or local agency that*  
 40 *participates in an agreement authorized under this section that is*

1 *not otherwise granted to the mutual water company, water*  
2 *corporation, or local agency, pursuant to other provisions of law.*

3 *SEC. 5. Section 10725 of the Water Code is amended to read:*

4 10725. (a) A groundwater sustainability agency may exercise  
5 any of the powers described in this chapter in implementing this  
6 part, in addition to, and not as a limitation on, any existing  
7 authority, if the groundwater sustainability agency adopts ~~and~~  
8 ~~submits to the department~~ a groundwater sustainability plan or  
9 ~~submits to the department a~~ prescribed alternative ~~documentation~~  
10 in accordance with Section 10733.6.

11 (b) A groundwater sustainability agency has and may use the  
12 powers in this chapter to provide the maximum degree of local  
13 control and flexibility consistent with the sustainability goals of  
14 this part.

15 ~~SEC. 4.~~

16 *SEC. 6. Section 10726.5 is added to the Water Code, to read:*

17 10726.5. In addition to any other authority granted to a  
18 groundwater sustainability agency by this part or other law, a  
19 groundwater sustainability agency may enter into *written*  
20 agreements and funding with a private party to assist in, or facilitate  
21 the implementation of, a groundwater sustainability plan or any  
22 elements of the plan.

23 ~~SEC. 5.~~

24 *SEC. 7. Section 10726.8 of the Water Code is amended to read:*

25 10726.8. (a) This part is in addition to, and not a limitation  
26 on, the authority granted to a local agency under any other law.  
27 The local agency may use the local agency’s authority under any  
28 other law to apply and enforce any requirements of this part,  
29 including, but not limited to, the collection of fees.

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

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

35 (d) Notwithstanding Section 6103 of the Government Code, a  
36 state or local agency that extracts groundwater shall be subject to  
37 a fee imposed under this part to the same extent as any  
38 nongovernmental entity.

39 ~~(e) A state agency shall comply with a groundwater~~  
40 ~~sustainability plan adopted by a groundwater sustainability agency~~

1 ~~pursuant to this part unless otherwise directed or authorized by~~  
 2 ~~statute. A state agency shall indicate to the groundwater~~  
 3 ~~sustainability agency in writing the authority for not complying~~  
 4 ~~with the groundwater sustainability plan.~~

5 *(e) Except as provided in subdivision (d), this part does not*  
 6 *authorize a local agency to impose any requirement on the state*  
 7 *or any agency, department, or officer of the state. State agencies*  
 8 *and departments shall work cooperatively with a local agency on*  
 9 *a voluntary basis.*

10 *(f) If a groundwater sustainability agency finds that a state*  
 11 *entity is not working cooperatively regarding implementation of*  
 12 *a groundwater sustainability plan, the groundwater sustainability*  
 13 *agency may file notice with the board regarding its finding. The*  
 14 *board shall notice proceedings to investigate the finding of the*  
 15 *groundwater sustainability agency. If the board determines that*  
 16 *the failure of the state entity to work cooperatively regarding*  
 17 *implementation of a groundwater sustainability plan compromises*  
 18 *the ability of the groundwater sustainability agency to implement*  
 19 *the plan in a manner that will likely achieve the sustainability goal,*  
 20 *the board may direct the state entity to cooperate in the*  
 21 *implementation of the groundwater sustainability plan unless the*  
 22 *state entity indicates its authority for not complying with a*  
 23 *groundwater sustainability plan in the same manner as subdivision*  
 24 *(f) of Section 10735.8.*

25 ~~(f)~~

26 *(g) Nothing in this chapter or a groundwater sustainability plan*  
 27 *shall be interpreted as superseding the land use authority of cities*  
 28 *and counties, including the city or county general plan, within the*  
 29 *overlying basin.*

30 *SEC. 8. Section 10727 of the Water Code is amended to read:*

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

38 *(b) A groundwater sustainability plan may be any of the*  
 39 *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.~~ *agreement.*

9 *SEC. 9. Section 10727.2 of the Water Code is amended to read:*

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

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

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

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

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

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

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

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

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

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

1 subparagraph (B). *For purposes of this paragraph, “good cause”*  
2 *includes litigation that prevented a groundwater sustainability*  
3 *plan or program from being implemented in a manner likely to*  
4 *achieve the sustainability goal as described in subdivision (d) of*  
5 *Section 10735.2.*

6 (B) The department may grant an extension pursuant to this  
7 paragraph if the groundwater sustainability agency does all of the  
8 following:

9 (i) Demonstrates a need for an extension.

10 (ii) Has made progress toward meeting the sustainability goal  
11 as demonstrated by its progress at achieving the milestones  
12 identified in its groundwater sustainability plan.

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

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

22 (c) A planning and implementation horizon.

23 (d) Components relating to the following, as applicable to the  
24 basin:

25 (1) The monitoring and management of groundwater levels  
26 within the basin.

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

32 (3) Mitigation of overdraft.

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

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

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

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

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

14 (g) A description of the consideration given to the applicable  
15 county and city general plans and a description of the various  
16 adopted water resources-related plans and programs within the  
17 basin and an assessment of how the groundwater sustainability  
18 plan may affect those plans.

19 ~~SEC. 6.~~

20 *SEC. 10.* Section 10727.4 of the Water Code is amended to  
21 read:

22 10727.4. In addition to the requirements of Section 10727.2,  
23 a groundwater sustainability plan shall include, where appropriate  
24 and in collaboration with the appropriate local agencies, all of the  
25 following:

- 26 (a) Control of saline water intrusion.
- 27 (b) Wellhead protection areas and recharge areas.
- 28 (c) Migration of contaminated groundwater.
- 29 (d) A well abandonment and well destruction program.
- 30 (e) Replenishment of groundwater extractions.
- 31 (f) Activities implementing, opportunities for, and removing  
32 impediments to, conjunctive use or underground storage.
- 33 (g) Well construction policies.
- 34 (h) Measures addressing groundwater contamination cleanup,  
35 groundwater recharge, diversions to storage, conservation, water  
36 recycling, conveyance, and extraction projects.
- 37 (i) Efficient water management practices, as defined in Section  
38 10902, for the delivery of water and water conservation methods  
39 to improve the efficiency of water use.

1 (j) Efforts to develop relationships with state and federal  
2 regulatory agencies.

3 (k) Processes to review land use plans and efforts to coordinate  
4 with land use planning agencies to assess activities that potentially  
5 create risks to groundwater quality or quantity.

6 (l) Impacts on groundwater dependent ecosystems.

7 ~~SEC. 7.~~

8 *SEC. 11.* Section 10727.6 of the Water Code is amended to  
9 read:

10 10727.6. Groundwater sustainability agencies intending to  
11 develop and implement multiple groundwater sustainability plans  
12 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall  
13 ~~describe in their coordination agreement the manner in which the~~  
14 ~~plans will coordinate with other agencies preparing a groundwater~~  
15 ~~sustainability plan within the basin to ensure that the plans utilize~~  
16 consistent data and methodologies for the following assumptions  
17 in developing the plans:

- 18 (a) Groundwater elevation data.
- 19 (b) Groundwater extraction data.
- 20 (c) Surface water supply.
- 21 (d) Total water use.
- 22 (e) Change in groundwater storage.
- 23 (f) Water budget.
- 24 (g) Sustainable yield.

25 *SEC. 12.* Section 10728 of the Water Code is amended to read:

26 10728. On the April 1 following the adoption of a groundwater  
27 sustainability plan and annually thereafter, a groundwater  
28 sustainability agency shall submit a report to the department  
29 containing the following information about the basin managed in  
30 the groundwater sustainability plan:

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

38 ~~SEC. 8.~~

39 *SEC. 13.* Section 10728.6 of the Water Code is amended to  
40 read:

1 10728.6. Division 13 (commencing with Section 21000) of the  
2 Public Resources Code does not apply to the preparation and  
3 adoption of plans pursuant to this chapter. The formation of or  
4 election to become a groundwater sustainability agency is not  
5 subject to the requirements of Division 13 (commencing with  
6 Section 21000) of the Public Resources Code. Nothing in this part  
7 shall be interpreted as exempting from Division 13 (commencing  
8 with Section 21000) of the Public Resources Code a project that  
9 would implement actions taken pursuant to a plan adopted pursuant  
10 to this chapter.

11 ~~SEC. 9.~~

12 *SEC. 14.* Section 10733.4 of the Water Code is amended to  
13 read:

14 10733.4. (a) Upon adoption of a groundwater sustainability  
15 ~~plan,~~ *plan pursuant to either paragraph (1) or (2) of subdivision*  
16 *(b) of Section 10727,* a groundwater sustainability agency shall  
17 submit the groundwater sustainability plan to the department for  
18 review pursuant to this chapter.

19 (b) If groundwater sustainability agencies develop multiple  
20 groundwater sustainability plans for a basin, the submission  
21 required by subdivision (a) shall include both of the following:

22 (1) An explanation of how the agency's groundwater  
23 sustainability plan will be implemented together with other plans  
24 to satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire  
25 basin.

26 (2) A copy of the coordination agreement between the  
27 groundwater sustainability agencies to ensure the coordinated  
28 implementation of the groundwater sustainability plans.

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

33 (d) The department shall evaluate the groundwater sustainability  
34 plan within two years of its submission by a groundwater  
35 sustainability agency and issue an assessment of the plan. The  
36 assessment may include recommended corrective actions to address  
37 any deficiencies identified by the department.

38 (e) *Nothing in this section shall be construed to prohibit a*  
39 *groundwater sustainability agency from developing, adopting, and*

1 *implementing a groundwater sustainability plan pursuant to this*  
2 *part.*

3 ~~SEC. 10.~~

4 *SEC. 15.* Section 10735 of the Water Code is amended to read:  
5 10735. As used in this chapter, the following terms have the  
6 following meanings:

7 (a) “Condition of long-term overdraft” means the condition of  
8 a groundwater basin where the average annual amount of water  
9 extracted for a long-term period, generally 10 years or more,  
10 exceeds the long-term average annual supply of water to the basin,  
11 plus any temporary surplus. Overdraft during a period of drought  
12 is not sufficient to establish a condition of long-term overdraft if  
13 extractions and groundwater recharge are managed as necessary  
14 to ensure that reductions in groundwater levels or storage during  
15 a period of drought are offset by increases in groundwater levels  
16 or storage during other periods.

17 (b) “Person” means any person, firm, association, organization,  
18 partnership, business, trust, corporation, limited liability company,  
19 or public agency, including any city, county, city and county,  
20 district, joint powers authority, state, or any agency or department  
21 of those entities. “Person” includes, to the extent authorized by  
22 federal or tribal law and subject to the limitations described in  
23 subdivisions (c) and (d) of Section 10720.3, the United States, a  
24 department, agency or instrumentality of the federal government,  
25 an Indian tribe, an authorized Indian tribal organization, or  
26 interstate body.

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

29 (d) “Significant depletions of interconnected surface waters”  
30 means reductions in flow or levels of surface water that is  
31 hydrologically connected to the basin such that the reduced surface  
32 water flow or levels have a significant and unreasonable adverse  
33 impact on beneficial uses of the surface water.

34 ~~SEC. 11.~~

35 *SEC. 16.* Section 10735.2 of the Water Code is amended to  
36 read:

37 10735.2. (a) The board, after notice and a public hearing, may  
38 designate a basin as a probationary basin, if the board finds one  
39 or more of the following applies to the basin:

40 (1) After June 30, 2017, none of the following have occurred:

1 (A) A local agency has elected to be a groundwater  
2 sustainability agency that intends to develop a groundwater  
3 sustainability plan for the entire basin.

4 (B) A collection of local agencies has formed a groundwater  
5 sustainability agency or prepared agreements to develop one or  
6 more groundwater sustainability plans that will collectively serve  
7 as a groundwater sustainability plan for the entire basin.

8 (C) A local agency has submitted an alternative that has been  
9 approved or is pending approval pursuant to Section 10733.6. If  
10 the department disapproves an alternative pursuant to Section  
11 10733.6, the board shall not act under this paragraph until at least  
12 180 days after the department disapproved the alternative.

13 (2) The basin is subject to paragraph (1) of subdivision (a) of  
14 Section 10720.7, and after January 31, 2020, none of the following  
15 have occurred:

16 (A) A groundwater sustainability agency has adopted a  
17 groundwater sustainability plan for the entire basin.

18 (B) A collection of local agencies has adopted groundwater  
19 sustainability plans that collectively serve as a groundwater  
20 sustainability plan for the entire basin.

21 (C) The department has approved an alternative pursuant to  
22 Section 10733.6.

23 (3) The basin is subject to paragraph (1) of subdivision (a) of  
24 Section 10720.7 and after January 31, 2020, the department, in  
25 consultation with the board, determines that a groundwater  
26 sustainability plan is inadequate or that the groundwater  
27 sustainability program is not being implemented in a manner that  
28 will likely achieve the sustainability goal.

29 (4) The basin is subject to paragraph (2) of subdivision (a) of  
30 Section 10720.7, and after January 31, 2022, none of the following  
31 have occurred:

32 (A) A groundwater sustainability agency has adopted a  
33 groundwater sustainability plan for the entire basin.

34 (B) A collection of local agencies has adopted groundwater  
35 sustainability plans that collectively serve as a groundwater  
36 sustainability plan for the entire basin.

37 (C) The department has approved an alternative pursuant to  
38 Section 10733.6.

39 (5) The basin is subject to paragraph (2) of subdivision (a) of  
40 Section 10720.7, and either of the following have occurred:

1 (A) After January 31, 2022, both of the following have occurred:  
2 (i) The department, in consultation with the board, determines  
3 that a groundwater sustainability plan is inadequate or that the  
4 groundwater sustainability plan is not being implemented in a  
5 manner that will likely achieve the sustainability goal.  
6 (ii) The board determines that the basin is in a condition of  
7 long-term overdraft.  
8 (B) After January 31, 2025, both of the following have occurred:  
9 (i) The department, in consultation with the board, determines  
10 that a groundwater sustainability plan is inadequate or that the  
11 groundwater sustainability plan is not being implemented in a  
12 manner that will likely achieve the sustainability goal.  
13 (ii) The board determines that the basin is in a condition where  
14 groundwater extractions result in significant depletions of  
15 interconnected surface waters.  
16 (b) In making the findings associated with paragraph (3) or (5)  
17 of subdivision (a), the department and board may rely on periodic  
18 assessments the department has prepared pursuant to Chapter 10  
19 (commencing with Section 10733). The board may request that  
20 the department conduct additional assessments utilizing the  
21 regulations developed pursuant to Chapter 10 (commencing with  
22 Section 10733) and make determinations pursuant to this section.  
23 The board shall post on its Internet Web site and provide at least  
24 30 days for the public to comment on any determinations provided  
25 by the department pursuant to this subdivision.  
26 (c) (1) The determination may exclude a class or category of  
27 extractions from the requirement for reporting pursuant to Part 5.2  
28 (commencing with Section 5200) of Division 2 if those extractions  
29 are subject to a local plan or program that adequately manages  
30 groundwater within the portion of the basin to which that plan or  
31 program applies, or if those extractions are likely to have a minimal  
32 impact on basin withdrawals.  
33 (2) The determination may require reporting of a class or  
34 category of extractions that would otherwise be exempt from  
35 reporting pursuant to paragraph (1) of subdivision (c) of Section  
36 5202 if those extractions are likely to have a substantial impact on  
37 basin withdrawals or requiring reporting of those extractions is  
38 reasonably necessary to obtain information for purposes of this  
39 chapter.

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

6 (4) The determination may modify the water year or reporting  
7 date for a report of groundwater extraction pursuant to Section  
8 5202.

9 ~~(d) If a groundwater sustainability agency or a local agency~~  
10 ~~proposing to be a groundwater sustainability agency provides~~  
11 ~~evidence to the board that the agency was unable to meet any~~  
12 ~~deadline or other requirement established by this part due to~~  
13 ~~litigation brought by another party, the board shall not designate~~  
14 ~~the basin as a probationary basin for a period of time equal to the~~  
15 ~~delay caused by the litigation plus a reasonable additional period~~  
16 ~~of time to allow for compliance with this part.~~

17 *(d) If the board finds that litigation challenging the formation*  
18 *of a groundwater sustainability agency prevented its formation*  
19 *before July 1, 2017, pursuant to paragraph (1) of subdivision (a)*  
20 *or prevented a groundwater sustainability program from being*  
21 *implemented in a manner likely to achieve the sustainability goal*  
22 *pursuant to paragraph (3), (4), or (5) of subdivision (a), the board*  
23 *shall not designate a basin as a probationary basin for a period*  
24 *of time equal to the delay caused by the litigation.*

25 ~~(e) Notwithstanding any other provision of this part, the~~  
26 ~~board shall exclude from probationary status any portion of a basin~~  
27 ~~for which a groundwater sustainability agency has adopted and is~~  
28 ~~implementing a groundwater sustainability plan.~~ *demonstrates that*  
29 *it has adopted a groundwater sustainability plan and that it is*  
30 *being implemented in a manner that will likely achieve the*  
31 *sustainability goal.*

32 ~~SEC. 12.~~

33 *SEC. 17.* The amendment of Section 10728.6 of the Water  
34 Code made by this act does not constitute a change in, but is  
35 declaratory of, existing law.