

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 937

Introduced by Assembly Member Salas

February 26, 2015

An act *to amend Section 10933.7 of, and to add Section 239 to* the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 937, as amended, Salas. Groundwater ~~planning: technical assistance:~~ *planning and monitoring*: disadvantaged communities.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill would require the Department of Water Resources to provide technical assistance to disadvantaged communities so that they may participate in groundwater planning, including, but not limited to, plans for regional groundwater banking, with any county or other local agency.

Existing law establishes a groundwater monitoring program pursuant to which specified entities may propose to be designated by the department as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a groundwater basin or subbasin. Existing

law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken in groundwater basins and subbasins, and if the department determines that all or part of a basin or subbasin is not being monitored, to determine whether there is sufficient interest in establishing a groundwater management plan, an integrated regional water management plan, or a groundwater monitoring association. Under certain circumstances, if there is insufficient interest in establishing a plan or association, and the county decides not to perform groundwater monitoring and reporting functions, the department is required to perform the groundwater monitoring functions. In that event, specified entities with authority to assume groundwater monitoring functions with regard to a basin or subbasin for which the department has assumed those functions are not eligible for a water grant or loan awarded or administered by the state.

This bill would authorize the department to exempt an entity from this eligibility restriction if the entity submits to the department for approval documentation demonstrating that there are special circumstances justifying the entity's noncompliance, including, but not limited to, that a significant portion of the entity's service area qualifies as a disadvantaged community and that the water grant or loan project includes those actions needed to comply with groundwater monitoring functions.

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 239 is added to the Water Code, to read:
- 2 239. The department shall provide technical assistance to
- 3 disadvantaged communities so that they may participate in
- 4 groundwater planning, including, but not limited to, plans for
- 5 regional groundwater banking, with any county or other local
- 6 agency.
- 7 SEC. 2. Section 10933.7 of the Water Code is amended to read:
- 8 10933.7. (a) If the department is required to perform
- 9 groundwater monitoring functions pursuant to Section 10933.5,
- 10 the county and the entities described in subdivisions (a) to (d),
- 11 inclusive, of Section 10927 shall not be eligible for a water grant
- 12 or loan awarded or administered by the state.

1 (b) Notwithstanding subdivision (a), the department shall
2 determine that an entity described in subdivision (a) is eligible for
3 a water grant or loan under the circumstances described in
4 subdivision (a) if the entity has submitted to the department for
5 approval documentation demonstrating that ~~its~~ *the entity's* entire
6 service area qualifies as a disadvantaged community.

7 *(c) Notwithstanding subdivision (a), the department may*
8 *determine that an entity described in subdivision (a) is eligible for*
9 *a water grant or loan under the circumstances described in*
10 *subdivision (a) if the entity has submitted to the department for*
11 *approval documentation demonstrating that there are special*
12 *circumstances justifying the entity's noncompliance, including,*
13 *but not limited to, that a significant portion of the entity's service*
14 *area qualifies as a disadvantaged community and that the water*
15 *grant or loan project includes those actions needed to comply with*
16 *the monitoring functions pursuant to this chapter.*