

AMENDED IN ASSEMBLY FEBRUARY 24, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1587

Introduced by Assembly Member Mathis
(Coauthor: Assembly Member Harper)

January 6, 2016

An act to add ~~Section~~ and repeal Section 185033.7 of the Public Utilities Code, and to add Sections 1242.1 and 79776 to the Water Code, relating to groundwater, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as amended, Mathis. ~~Water Quality, Supply, and Infrastructure Improvement Act of 2014: groundwater: recharge basins: Groundwater: subsidence abatement.~~

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. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. 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, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood conditions, would prohibit the board from requiring a permit to recharge groundwater if the water may be diverted and used without injury to a lawful user of water, and the water may be diverted and used without unreasonable effect on other beneficial uses.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law requires the High-Speed Rail Authority to biennially provide a project update report to specified legislative committees on the development and implementation of intercity high-speed train service, which includes a programwide summary, as well as details by project segment, with all information necessary to clearly describe the status of each project.

This bill, by January 1, 2020, would require the authority to report to the Legislature on the effects high-speed rail will have on the subsidence of farms, homes, and land on the path of the train.

Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$900,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans for, projects to prevent or clean up the contamination of groundwater that serves or has served as a source of drinking water. The bond act authorizes the use of \$100,000,000 of those funds for competitive grants for projects that develop and implement groundwater planning requirements.

This bill, in implementing the competitive grants for those projects that develop and implement groundwater planning requirements, would require special consideration be given to those projects that would create groundwater recharge basins in areas of fallow farmland. This bill would appropriate \$50,000,000 from the proceeds of the bond act for the purpose of that competitive grant program.

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

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

- 1 *SECTION 1. This act shall be known and may be cited as the*
- 2 *Subsidence Abatement Act of 2016.*
- 3 *SEC. 2. The Legislature finds and declares as follows:*
- 4 *(a) California’s vast, natural aquifers were formed by rain and*
- 5 *melted snow that percolated into the soil over thousands of years.*

1 *When water is extracted in huge volumes, and there is insufficient*
2 *rain to replace it, the earth gradually sinks.*

3 *(b) Subsidence has been a recurring problem in the San Joaquin*
4 *Valley, the more arid southern half of California's heavily farmed*
5 *Central Valley. In one example that became legendary among*
6 *groundwater experts, an area near Mendota sank 28 feet between*
7 *1925 and 1977. The issue largely abated with the advent of*
8 *California's massive manmade plumbing system that showered*
9 *the valley with an abundance of surface water from northern*
10 *California. In recent years, as the Sierra snowpack has dwindled*
11 *and fresh water supplies have diminished, subsidence has returned*
12 *with a vengeance.*

13 *(c) A National Aeronautics and Space Administration (NASA)*
14 *study based on satellite imaging showed significant rates of*
15 *subsidence in recent times. A spot near Corcoran in the Tulare*
16 *basin sank 12 inches in one recent eight-month period. Researchers*
17 *found a stretch near the California Aqueduct, the key highway of*
18 *the State Water Project, that sank eight inches in four months last*
19 *year.*

20 *(d) Subsidence is not a problem limited to the San Joaquin*
21 *Valley. A spot near Arbuckle in Colusa County sank five inches*
22 *during the last half of 2014, according to the NASA report.*

23 *(e) The rate of subsidence underscores how quickly underground*
24 *aquifers are being drained. A report by the University of*
25 *California, Davis, said farmers are pumping an additional six*
26 *million acre-feet of groundwater this year as compared to 2011,*
27 *the year before the drought started, in order to compensate for*
28 *shortages in deliveries of surface water from the State Water*
29 *Project and the federal Central Valley Project.*

30 *(f) Groundwater acts as a savings account to provide supplies*
31 *during drought, but the NASA report shows the consequences of*
32 *excessive withdrawals as we head into the fifth year of historic*
33 *drought. The Legislature will work together with counties, local*
34 *water districts, and affected communities to identify ways to slow*
35 *the rate of subsidence and protect vital infrastructure, such as*
36 *canals, pumping stations, bridges, and wells.*

37 *(g) Experts say subsidence makes it harder to replenish an*
38 *aquifer once the rains come because subsidence effectively*
39 *compacts the soil, making it harder to store water underground.*

1 SEC. 3. Section 185033.7 is added to the Public Utilities Code,
2 to read:

3 185033.7. (a) By January 1, 2020, the High-Speed Rail
4 Authority shall report to the Legislature on the effects high-speed
5 rail will have on the subsidence of farms, homes, and land on the
6 path of the train.

7 (b) (1) A report to be submitted pursuant to subdivision (a)
8 shall be submitted in compliance with Section 9795 of the
9 Government Code.

10 (2) Pursuant to Section 10231.5 of the Government Code, this
11 section is repealed on January 1, 2024.

12 SEC. 4. Section 1242.1 is added to the Water Code, to read:

13 1242.1. Notwithstanding any other law, during a period for
14 which the Governor has issued a proclamation of a state of
15 emergency under the California Emergency Services Act (Chapter
16 7 (commencing with Section 8550) of Division 1 of Title 2 of the
17 Government Code) based on drought or flood conditions, the board
18 shall not require a permit to recharge groundwater if the following
19 conditions are met:

20 (a) The water may be diverted and used without injury to a
21 lawful user of water.

22 (b) The water may be diverted and used without unreasonable
23 effect on other beneficial uses.

24 ~~SECTION 1.~~

25 SEC. 5. Section 79776 is added to the Water Code, to read:

26 79776. In implementing Section 79775, special consideration
27 shall be given to those projects that would create groundwater
28 recharge basins in areas of fallow farmland.

29 ~~SEC. 2.~~

30 SEC. 6. Fifty million dollars (\$50,000,000) is hereby
31 appropriated from the Water Quality, Supply, and Infrastructure
32 Improvement Fund of 2014 for the purpose of Section 79775 of
33 the Water Code.