

**Introduced by Senators Nielsen and Vidak**  
(Coauthors: Assembly Members Dahle and Gallagher)

February 5, 2015

---

An act to amend Section 10721 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as introduced, Nielsen. Groundwater: de minimis extractors.

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. Existing law authorizes a groundwater sustainability agency to require through its groundwater sustainability plan that the use of every groundwater extraction facility within the management area of the groundwater sustainability agency be measured by a water-measuring device, but provides that these provisions do not apply to de minimis extractors. Existing law authorizes a groundwater sustainability agency to impose fees but prohibits a groundwater sustainability agency from imposing a fee to fund the costs of a groundwater sustainability program on a de minimis extractor unless the agency has regulated the users pursuant to the act. Existing law generally excepts a de minimis extractor from the requirement that a person who extracts groundwater from a probationary basin, as prescribed, or extracts groundwater on or after

July 1, 2017, in an area within a basin that is not within the management area of a groundwater sustainability agency and where the county does not assume responsibility to be the groundwater sustainability agency has to file a report of groundwater extraction by December 15 of each year for extractions made in the preceding water year with the State Water Resources Control Board. Existing law defines a de minimis extractor for these purposes as a person who extracts, for domestic purposes, 2 acre-feet or less per year.

This bill would define a de minimis extractor for the purposes of these provisions as a person who extracts, for domestic purposes, 10 acre-feet or less per year.

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 10721 of the Water Code is amended to  
2     read:  
3     10721. Unless the context otherwise requires, the following  
4     definitions govern the construction of this part:  
5     (a) “Adjudication action” means an action filed in the superior  
6     or federal district court to determine the rights to extract  
7     groundwater from a basin or store water within a basin, including,  
8     but not limited to, actions to quiet title respecting rights to extract  
9     or store groundwater or an action brought to impose a physical  
10    solution on a basin.  
11    (b) “Basin” means a groundwater basin or subbasin identified  
12    and defined in Bulletin 118 or as modified pursuant to Chapter 3  
13    (commencing with Section 10722).  
14    (c) “Bulletin 118” means the department’s report entitled  
15    “California’s Groundwater: Bulletin 118” updated in 2003, as it  
16    may be subsequently updated or revised in accordance with Section  
17    12924.  
18    (d) “Coordination agreement” means a legal agreement adopted  
19    between two or more groundwater sustainability agencies that  
20    provides the basis for coordinating multiple agencies or  
21    groundwater sustainability plans within a basin pursuant to this  
22    part.  
23    (e) “De minimis extractor” means a person who extracts, for  
24    domestic purposes, ~~two~~ 10 acre-feet or less per year.

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

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

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

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

11 (j) “Groundwater sustainability agency” means one or more  
12 local agencies that implement the provisions of this part. For  
13 purposes of imposing fees pursuant to Chapter 8 (commencing  
14 with Section 10730) or taking action to enforce a groundwater  
15 sustainability plan, “groundwater sustainability agency” also means  
16 each local agency comprising the groundwater sustainability  
17 agency if the plan authorizes separate agency action.

18 (k) “Groundwater sustainability plan” or “plan” means a plan  
19 of a groundwater sustainability agency proposed or adopted  
20 pursuant to this part.

21 (l) “Groundwater sustainability program” means a coordinated  
22 and ongoing activity undertaken to benefit a basin, pursuant to a  
23 groundwater sustainability plan.

24 (m) “Local agency” means a local public agency that has water  
25 supply, water management, or land use responsibilities within a  
26 groundwater basin.

27 (n) “Operator” means a person operating a groundwater  
28 extraction facility. The owner of a groundwater extraction facility  
29 shall be conclusively presumed to be the operator unless a  
30 satisfactory showing is made to the governing body of the  
31 groundwater sustainability agency that the groundwater extraction  
32 facility actually is operated by some other person.

33 (o) “Owner” means a person owning a groundwater extraction  
34 facility or an interest in a groundwater extraction facility other  
35 than a lien to secure the payment of a debt or other obligation.

36 (p) “Personal information” has the same meaning as defined in  
37 Section 1798.3 of the Civil Code.

38 (q) “Planning and implementation horizon” means a 50-year  
39 time period over which a groundwater sustainability agency

1 determines that plans and measures will be implemented in a basin  
2 to ensure that the basin is operated within its sustainable yield.

3 (r) “Public water system” has the same meaning as defined in  
4 Section 116275 of the Health and Safety Code.

5 (s) “Recharge area” means the area that supplies water to an  
6 aquifer in a groundwater basin.

7 (t) “Sustainability goal” means the existence and implementation  
8 of one or more groundwater sustainability plans that achieve  
9 sustainable groundwater management by identifying and causing  
10 the implementation of measures targeted to ensure that the  
11 applicable basin is operated within its sustainable yield.

12 (u) “Sustainable groundwater management” means the  
13 management and use of groundwater in a manner that can be  
14 maintained during the planning and implementation horizon  
15 without causing undesirable results.

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

21 (w) “Undesirable result” means one or more of the following  
22 effects caused by groundwater conditions occurring throughout  
23 the basin:

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

32 (2) Significant and unreasonable reduction of groundwater  
33 storage.

34 (3) Significant and unreasonable seawater intrusion.

35 (4) Significant and unreasonable degraded water quality,  
36 including the migration of contaminant plumes that impair water  
37 supplies.

38 (5) Significant and unreasonable land subsidence that  
39 substantially interferes with surface land uses.

1 (6) Depletions of interconnected surface water that have  
2 significant and unreasonable adverse impacts on beneficial uses  
3 of the surface water.

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

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

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

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.