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**Introduced by Assembly Member Dickinson  
(Principal coauthor: Senator Pavley)  
(Coauthor: Assembly Member Rendon)**

February 14, 2014

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An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10721, 10726.4, and 10726.8 of, to add Sections 1529.5 and 10726.9 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Chapter 7 (commencing with Section 10729), Chapter 8 (commencing with Section 10730), Chapter 9 (commencing with Section 10732), Chapter 10 (commencing with Section 10733), and Chapter 11 (commencing with Section 10735) to Part 2.74 of Division 6 of, the Water Code, relating to groundwater.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1739, Dickinson. Groundwater management.

(1) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013–14 Regular Session, to impose certain fees. The bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater, and would require the department to prepare and release a report by December 31, 2016, on the department's best estimate of water available for replenishment of groundwater in the state.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon adoption. This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department to adopt certain regulations. This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative that the local agency believes satisfies the objectives of these provisions. This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department.

This bill would authorize the board to conduct inspections and would authorize the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin if the board makes a certain determination. This bill would authorize 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. This bill would authorize the board to adopt an interim plan for a probationary basin after notice

and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

(2) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for, among other things, the administration of the State Water Resource Control Board's water rights program.

This bill would provide that the moneys in the Water Rights Fund are available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.

(3) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. The bill would require the reports to be submitted to the board or, in certain areas, to an entity designated as a local agency by the board, as specified. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order or interim plan by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a groundwater sustainability agency or an entity that submits an alternative to provide the planning agency with certain information as is appropriate and relevant, including a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

(5) Senate Bill 1168 of the 2013–14 Regular Session, if enacted, would enact the Sustainable Groundwater Management Act, and would define “undesirable result” for purposes of those provisions. The act would grant specified authority to a groundwater sustainability agency relating to controlling groundwater extractions, and would specify that various provisions do not supersede the land use authority of cities and counties, as specified.

This bill would revise the definition of “undesirable result,” and would specify that certain authority granted to a groundwater sustainability agency to control groundwater extractions shall be consistent with applicable elements of a city or county general plan, except as specified. The bill would provide that the provisions against superseding the land use authority of cities and counties apply to that authority within the overlying basin, including the city or county general plan, and would require a groundwater sustainability plan to take into account the most recent planning assumptions stated in local general plans overlying the basin.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would make its operation contingent on the enactment of SB 1168 of the 2013–14 Regular Session.