

**AGENDA  
IRVINE RANCH WATER DISTRICT  
BOARD OF DIRECTORS  
REGULAR MEETING**

**August 11, 2014**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER**

5:00 P.M., Board Room, District Office  
15600 Sand Canyon Avenue, Irvine, California

**ROLL CALL**

Directors Matheis, Reinhart, Swan, Withers and President LaMar

**NOTICE**

If you wish to address the Board on any item, including Consent Calendar items, please file your name with the Secretary. Forms are provided on the lobby table. Remarks are limited to five minutes per speaker on each subject. Consent Calendar items will be acted upon by one motion, without discussion, unless a request is made for specific items to be removed from the Calendar for separate action.

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**COMMUNICATIONS TO THE BOARD**

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1. A. Written:

B. Oral:

2. **ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

Recommendation: Determine that the need to discuss and/or take immediate action on item(s) introduced come to the attention of the District subsequent to the agenda being posted.

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**CONSENT CALENDAR**

**Resolution No. 2014-37**

**Items 3-4**

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3. **MINUTES OF REGULAR BOARD MEETING**

Recommendation: That the minutes of the July 28, 2014 Regular Board meeting be approved as presented.

4. **RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS**

Recommendation: That the Board ratify/approve meetings and events for Steven LaMar, Douglas Reinhart, John Withers and Peer Swan.

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**ACTION CALENDAR**

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5. **EXPENSE POLICY REVISIONS**

Recommendation: That the Board approve the proposed revisions to the District's expense policy as proposed.

6. **IDENTITY AND PASSWORD MANAGEMENT SOFTWARE IMPLEMENTATION CONSULTANT SELECTION**

Recommendation: That the Board authorize the General Manager to execute a Professional Services Agreement with GDS2, Inc. in the amount of \$90,650 for the Identity and Password Management Software Implementation project.

7. **2014 SEWER REHABILITATION CONSTRUCTION AWARD**

Recommendation: That the Board approve an Expenditure Authorization in the amount of \$280,500 for project 21166 (5098), and authorize the General Manager to execute a construction contract with Sancon Engineering, Inc. in the amount of \$143,661.25 for the 2014 Sewer Rehabilitation project 21166 (5098).

8. **2014 STATE LEGISLATIVE ISSUES**

Recommendation: That the Board change IRWD's position from "SEEK AMENDMENTS" to "SUPPORT IF AMENDED" on SB 1168 (Pavley) and AB 1739 (Dickinson), and authorize staff, with concurrence of the Board President, to move to a "SUPPORT" position if the bill is amended to address the District's concerns.

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**OTHER BUSINESS**

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Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

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**OTHER BUSINESS - Continued**

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9. A. General Manager's Report

B. Directors' Comments

C. Adjourn

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Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Irvine Ranch Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance to the Board of Directors Room of the District Office.

The Irvine Ranch Water District Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

August 11, 2014  
Prepared and  
Submitted by: L. Bonkowski  
Approved by: P. Cook



CONSENT CALENDAR

MINUTES OF BOARD MEETING

SUMMARY:

Provided are the minutes of the July 28, 2014 Regular Board Meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE JULY 28, 2014 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – Minutes of July 28, 2014 Regular Board Meeting

## EXHIBIT "A"

### MINUTES OF REGULAR MEETING – JULY 28, 2014

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President LaMar on July 28, 2014 in the District office, 15600 Sand Canyon Avenue, Irvine, California.

Directors Present: Reinhart, LaMar, Matheis, and Swan.

Directors Absent: Withers.

Also Present: General Manager Cook, Executive Director of Engineering Burton, Executive Director of Finance Clary, Executive Director of Operations Shields, Director of Water Resources Sanchez, Director of Risk Management and Treasury Jacobson, Director of Administrative Services Mossbarger, Assistant Director of Maintenance Drake, Assistant Director of Water Operations Roberts, Legal Counsel Arneson (by teleconference), Secretary Bonkowski, Ms. Christine Compton, Ms. Gina Jackson, Mr. Jim Reed, Mr. Bruce Newell and other members of the public and staff.

WRITTEN COMMUNICATION: None.

### ORAL COMMUNICATION

Mrs. Joan Irvine Smith's assistant addressed the Board of Directors with respect to the Dyer Road Wellfield. She said it was her understanding that currently wells 1, 2, 4, 6, C-8, C-9, 10, 12, 14, 15, 16, 17 and 18 will operate in accordance with the District's annual pumping plan. Wells 3, 5, 7, 11 and 13 will be off. This was confirmed by Mr. Cook, General Manager of the District.

The OCWD Annexation documents have been recorded and the annexation is now complete. This was confirmed by Mr. Cook.

ITEMS TOO LATE TO BE AGENDIZED: None.

### PUBLIC HEARINGS

#### SEWER TAXES IN THE NEWPORT NORTH SERVICE AREA

General Manager Cook reported that on June 23, 2014, the Board adopted Rates and Charges for Fiscal Year 2014-15 which included monthly sewer charges of \$20.50 for a residential single family home and \$15.40 per unit for multiple family dwelling units. The Newport North customers will have the same rate, but the method of collection differs in that they pay their sewer fees on an annual basis by means of the County tax rolls.

Mr. Cook said that by adoption of Resolution No. 1987-45, the Board of Directors elected to have sewer charges for certain parcels of land located in the Newport North area collected on the tax roll together with the District's general taxes. That resolution directs the filing of a report containing a description of such parcels and the corresponding charges for each fiscal

year. Pursuant to the requirements of the Health and Safety Code of the State of California, a public hearing on the report is required.

President LaMar said this was the time and place for a hearing on the sewer taxes in the Newport North area, and declared the hearing open. He asked the Secretary how the hearing was noticed.

Secretary Bonkowski reported that the report was filed with her on June 24, 2014 and the notice of the filing of the report and the time and place of this hearing was published in the Newport Beach-Costa Mesa Daily Pilot on July 12 and July 19, 2014. She said that a notice was also posted in the District office on July 2, 2014.

On MOTION by Swan, seconded and unanimously carried, THE AFFIDAVIT OF POSTING AND THE PROOF OF PUBLICATION PRESENTED BY THE SECRETARY WAS RECEIVED AND FILED.

President LaMar requested Legal Counsel Arneson to describe the nature of the proceedings.

Legal Counsel Arneson described the nature of the proceedings, saying that the purpose of the hearing was to provide an opportunity for all persons interested or the owner of any parcel within the area to present objections or protests to the report.

President LaMar asked Secretary Bonkowski whether she had received any written communications concerning this matter, and she stated that she had not. President LaMar asked if there was anyone present who wished to address the Board concerning the report and the proposed collection of sewer charges on the tax roll. There was no one present who wished to be heard. President LaMar further inquired if there were any comments or questions from members of the Board of Directors. There were no comments from the Board.

On MOTION by Swan, seconded and unanimously carried, THE HEARING WAS CLOSED, AND RESOLUTION NO. 2014-36 WAS ADOPTED BY TITLE AS FOLLOWS:

RESOLUTION NO. 2014-36

RESOLUTION OF THE BOARD OF DIRECTORS OF IRVINE  
RANCH WATER DISTRICT ADOPTING REPORT OF SEWER  
CHARGES TO BE COLLECTED ON THE TAX ROLL

WORKSHOP

UPDATE ON CUSTOMER CARE AND BILLING SYSTEM

Using a PowerPoint Presentation, Director of Administration Services Mossbarger provided an update on the Customer Care and Billing System (CC&B). Mr. Mossbarger said that the purpose of the project is to upgrade the District's existing Utility Billing and Customer Service Request system with Oracle CC&B. He said that benefits include: 1) customers will benefit from a streamlined and enhanced experience interacting with IRWD; 2) the existing system's outdated architecture limits the District's ability to support and maintain the legacy system into the future; and 3) implementation of Oracle CC&B puts the framework in place to allow future

expansion, consolidations, and new services. He reviewed the project team, project timeline, application readiness, data migration and infrastructure, user readiness, a go/no-go readiness assessment scorecard, project issues/risks and mitigation plans, a go-live plan, customer accommodations, and next steps. In response to Director Reinhart's inquiry relative to a meter reading service provider change, Mr. Mossbarger said that if this occurs, a new provider would have to translate data into the CC&B program and that some costs would be incurred, but not substantial. In response to Director Reinhart's comment relative to last week's power outage, General Manager Cook said that the District's generator worked well and has the ability to run 24 hours without new fuel. Staff was then asked to determine if the solar power on the roof of the headquarters building could be used as an additional back-up source. President LaMar thanked Mr. Mossbarger for all of his assistance to minimize any problems to our customers with this transition. General Manager Cook then thanked staff for all of their efforts and specifically thanked Mr. Mossbarger, Ms. Clary, Ms. Jackson, and Ms. Sanchez who were in the audience.

### CONSENT CALENDAR

On MOTION by Reinhart, seconded and unanimously carried, CONSENT CALENDAR ITEMS 5 THROUGH 8 WERE APPROVED AS FOLLOWS:

5. MINUTES OF REGULAR BOARD MEETING

Recommendation: That the minutes of the July 14, 2014 Regular Board Meeting be approved as presented.

6. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Mary Aileen Matheis, Douglas Reinhart, and Peer Swan as described.

7. JUNE 2014 TREASURY REPORTS

Recommendation: That the Board receive and file the Treasurer's Investment Summary Report, the Monthly Interest Rate Swap Summary for June 2014, and Disclosure Report of Reimbursements to board members and staff; approve the June 2014 summary of payroll ach payments in the total amount of \$1,462,264 and approve the June 2014 accounts payable disbursement summary of warrants 349247 through 350334, workers' compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$31,183,742.

8. MICHELSON WATER RECYCLING PLANT BIOSOLIDS AND ENERGY RECOVERY FACILITIES CONTRACT CHANGE ORDER

Recommendation: That the Board approve Contract Change Order No. 12 in the amount of \$156,580.22 to Filanc/Balfour-Beatty for the bid quantity adjustments of earthmoving and geotechnical related activities for the Michelson Water Recycling Plant Biosolids and Energy Recovery Facilities, project 21146 (4286).

## ACTION CALENDAR

### FISCAL YEAR 2014-15 EXPENDITURE AUTHORIZATIONS FOR WATER BANKING AGREEMENTS AND PLANNING

General Manager Cook reported that two Expenditure Authorizations are required; 1) for \$484,000 for water banking agreements to fund staff and legal time for developing and implementing District water banking and exchange agreements with agencies such as Metropolitan Water District of Southern California (MWD), Antelope Valley-East Kern Water Agency, Central Coast Water Authority, Buena Vista Water Storage District and the Kern County Water Agency (KCWA); and 2) for water banking planning and assessing, and evaluating new properties for water banking projects as they may come available and to complete the Water Banking Business Plan. The expenditure is for \$115,500 and includes staff time, outside consultants and legal time to complete the District's planning efforts related to the water banking program.

Director Swan said that this item was reviewed and approved by Water Banking Committee on July 22, 2014. On MOTION by Swan, seconded and unanimously carried, THE BOARD APPROVED EXPENDITURE AUTHORIZATIONS FOR FY 2014-15 IN THE AMOUNT OF \$242,000 FOR WATER BANKING AGREEMENTS 14/16, PROJECT NO. 11764 (5500) AND \$115,500 FOR WATER BANKING PLANNING 14/15, PROJECT NO. 11793 (5501).

### GENERAL MANAGER'S REPORT

General Manager Cook reported on the emergency drought regulations imposed by the SWRCB. He said that IRWD hosted two meetings with cities and agencies last week to: 1) develop message points, and 2) discuss drought allocation based rate structure and how to report to the SWRCB monthly beginning with the end of August. He further said that staff will keep the Board updated on this effort.

Mr. Cook reported that the Closed Session item on the Settlement Agreement with EOCWD was executed by both agencies and that staff is satisfied with the outcome. He said that he attended the EOCWD Board meeting last week which went well. He further said that EOCWD Director Davert requested a meeting with IRWD to discuss mutual water issues.

### DIRECTORS' COMMENTS

Director Matheis reported on her attendance at an ACC-OC reception in Anaheim, a Southern California Water Committee meeting, an OC Coastal Coalition meeting, and a quarterly Shadetree Partnership Board meeting where Ms. Kay Phillies was appointed as a new Board member to fill the unexpired term of Ms. Janet Wells. She further said that this week she will be attending an ISDOC quarterly meeting.

Director Reinhart reported that he attended a MWDOC Board Meeting with Director LaMar. He said that the South County selection Committee appointed Mr. Larry Mckenney to fill the open seat as MWDOC's MWD representative and that the next step will be for MWDOC to interview him.



Director Swan reported that he attended a Southern California Water Dialogue meeting at MWD where there was an interesting presentation on turf removal to save water which will be placed on its website, and suggested that conservation staff review it. He said that he also attended an ACWA Board meeting in Sacramento and is planning to attend the District's recognition luncheon this Thursday. He further discussed a letter which is being circulated relative to the illegal diversion of delta water being used by the south and central areas where they do not have water rights.

Director LaMar said that he is contacting local officials including Mayor Steven Choi of Irvine and Mayor Al Murray from the City of Tustin relative to the drought situation. He said that he attended an ACWA Headwaters Task Force meeting, an NROC Executive Committee meeting where they are rebranding, and a Southern California Water Committee Water and Energy meeting.

Consultant Jim Reed reported on the meetings he attended representing the District including WACO, OCWA, and a Southern California Economic Coalition.

#### ADJOURNMENT

There being no further business, President LaMar adjourned the meeting at 6:24 p.m.

APPROVED and SIGNED this 11th day of August, 2014.

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President, IRVINE RANCH WATER DISTRICT

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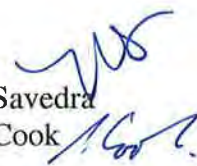
Secretary, IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

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Legal Counsel - Bowie, Arneson, Wiles & Giannone

August 11, 2014  
Prepared and  
Submitted by: N. Savedra  
Approved by: P. Cook



CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS'  
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, approval of attendance of the following events and meetings are required by the Board of Directors.

Events/Meetings

Steven LaMar

7/29/14 South Orange County Water Agencies Meeting  
8/06/14 Monthly meeting w/General Manager Paul Cook regarding District Activities  
8/08/14 Board member presentation at Lake Forest Kiwanis Club  
8/12/14 Board member presentation at The Grove Mobile Home Park  
8/22/14 San Bernardino County Water Conference

Douglas Reinhart

7/21/14 MWD Candidate Selection meeting at Moulton Niguel Water District  
7/29/14 South Orange County Agencies Meeting

Peer Swan

8/11/14 City of Irvine Sand Canyon Undercrossing Opening Event  
8/19/14 WACO Planning Committee Meeting  
8/20-22/14 CASA Annual Conference, Monterey, CA

John Withers

8/04/14 South Coast Research & Extension Center Tour  
8/22/14 San Bernardino County Water Conference  
8/28/14 Board member presentation at Newport Kiwanis Club

RECOMMENDATION:


THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LaMAR, DOUGLAS REINHART, PEER SWAN, AND JOHN WITHERS AS DESCRIBED.


LIST OF EXHIBITS:

None

August 11, 2014

Prepared and

Submitted by: Cheryl Clary 

Approved by: Paul Cook 

## ACTION CALENDAR

### EXPENSE POLICY REVISIONS

#### SUMMARY:

The current Business Expense Reimbursement, Travel, Meeting Compensation and Representation policy was last updated in August 2006. In 2006, changes to the policy were made to incorporate the provisions of California Assembly Bill 1234, which provided for certain reforms associated with expense reimbursements of board members. Legal counsel has advised that since the January 1, 2006 bill, there are no additional legislative bills which need to be incorporated into the existing policy. Staff recommends updating the existing policy primarily for current regulations, minor edits, clarifying language, and formatting changes.

#### BACKGROUND:

Staff is recommending the following changes, in addition to other minor edits and clarifications as noted in Exhibit "A":

1. Clarification that District representatives should decline auto liability and collision insurance on car rentals as the District is covered under its existing insurance policy;
2. A suggested increase in the travel related meal allowance both for the "no receipt" and "receipt" methods to allow for reasonable cost increases since the previous policy update;
3. Clarification that Board members will not be reimbursed for mileage associated with attending Committee, Standing or Ad Hoc Committee meetings; and
4. Consistent with California District Regulations, clarifying language that the District will disclose any expense reimbursements of \$100 per day for each individual charge. This is currently being included in the monthly Board package as part of the Treasury Reports.

Attached as Exhibit "A" is a redlined version of the District's expense policy with proposed revisions.

#### FISCAL IMPACTS:

None.

#### ENVIRONMENTAL COMPLIANCE:

Not applicable.

#### COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on August 5, 2014.

RECOMMENDATION:

THAT THE BOARD APPROVE THE PROPOSED REVISIONS TO THE DISTRICT'S EXPENSE POLICY BE ADOPTED AS PROPOSED.

LIST OF EXHIBITS:

Exhibit "A" – Redlined Version of Proposed Expense Policy

## Exhibit "A"

POLICY REGARDING- BUSINESS EXPENSE REIMBURSEMENT,  
TRAVEL, MEETING COMPENSATION -AND REPRESENTATION  
~~AUGUST 28, 2006~~ July 1 August 11, 2014 ~~October 1, 2013~~

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### IRVINE RANCH WATER DISTRICT

#### POLICY REGARDING BUSINESS EXPENSE REIMBURSEMENT, TRAVEL, MEETING COMPENSATION AND REPRESENTATION

#### I. BUSINESS EXPENSE REIMBURSEMENT

##### SECTION 1 – General

The District will authorize conferences, seminars, meetings and travel and will reimburse business expenses in accordance with the Accountable Plan requirements of the IRS publication for Travel, Entertainment, Gift and Car Expenses and in accordance with District policies. Travel and business expenses will only be approved as they are necessary to further the accomplishment of District goals and objectives.

This policy applies to all District Employees, ~~officers~~, Board Members, Committee Members and others authorized to represent the District through travel or business activities. At all times, District Representatives serve the public and must do so within the ethical and business performance standards expected of a public agency. (See Personnel Policies and Procedures Manual, Policy No. 48 – Business Conduct Standards.) Prudent judgment and full compliance with District policies is required. –Failure to use discretion in the incurring of business expenses may result in the loss of discretionary travel/expense privileges up to and including termination, except for Board and Committee Members.-

Expense reimbursements covered under separate policies include, but are not limited to, the following:

~~1.~~

1. Expenses related to ongoing, formal training reimbursed under Personnel Policy -No. 23, Education and Training. ~~See this separate policy regarding such reimbursement.~~
2. ~~2.~~ Association memberships that are paid directly by the District on behalf of individual ~~employees or officers.~~
- ~~2-3.~~ Credit card usage.  
3. ~~Credit card usage.~~ See the District Procurement Procedures. Appropriate usage of District credit cards for business-related expenses is covered by these procedures.-
- ~~3-4.~~
4. ~~4.~~ Petty cash, which is used only by non-exempt employees. –See the District ~~Petty~~ Procurement ~~Cash~~ Procedures.

All payments or reimbursements of travel and other business expenses under this policy are subject to the inclusion of sufficient departmental funds in the current fiscal year's operating or capital budget. Non-compliance with this policy or falsification of reports or documentary evidence may result in disciplinary action, including termination and/or criminal prosecution.

For Board Members, the determination of whether an attended conference, meeting or other activity shall qualify the Board Member to receive expense reimbursement shall be made under Article I of this Policy, separately from the determination of whether an attended conference, meeting or other activity shall qualify the Board Member to receive compensation under Article II. ~~The intent of the foregoing is that a~~An attended conference, meeting or other activity may qualify for expense reimbursement ~~regardless~~ of whether or not it qualifies for compensation.

## SECTION 2 – Definitions

As used in this policy, the following terms shall have the meanings so indicated:

- a. Accountable Plan (IRS Publication for Travel, Entertainment, Gift and Car Expenses) –  
~~shall mean:~~
- Expenses must have a business connection.
  - Expenses must be adequately documented and include evidence such as receipts, canceled checks or bills to support expenses ~~and must be submitted within a reasonable period of time.~~ Expenses must be submitted within (60 days ~~after they were paid or incurred~~in accordance with IRWD policy).
  - Any excess reimbursement must be returned within a reasonable period of time. (60 days ~~after they were paid or incurred~~in accordance with IRWD policy).
- ~~b.~~ b. Approval by the Board or Approval by the Full Board –  
~~shall mean~~ Board approval at a regularly –scheduled Board meeting with a quorum present and acting.
- ~~b.c.~~ ~~c.~~ Board Member –  
~~shall mean~~ a member of the District Board of Directors, whether such member is acting as a member of the Board of Directors or as a Committee Member
- ~~e.d.~~ ~~d.~~ Committee Member –  
~~shall mean~~ any member of a standing or ad hoc Committee established by an action of the Board or Board President to act in an advisory capacity.
- ~~d.e.~~ ~~e.~~ District –  
~~shall mean~~ Irvine Ranch Water District.
- ~~e.f.~~ ~~f.~~ Employee –

~~shall mean~~ Any full-time, part-time, regular, temporary or contracted staff employed by the District.

f.g. ~~g.~~ Expense Report Reviewer –  
~~T shall mean~~ the District ~~Controller~~ Executive Director of Finance and Administration, or the person designated by the District ~~Controller~~ Executive Director of Finance and Administration, who performs a review of all projected expenses prior to travel, ~~as well as expenses incurred following travel,~~ in conformance with District policies and procedures.

~~g.~~ Incidentals –

h.

~~h.~~ Ah. h. Incidentals –

~~shall mean~~ any minor, miscellaneous expenses incurred during Travel including, but not limited to, local bus fare, toll road charges, telephone calls, non-meal gratuities and snacks.

i. ~~i.~~ Representative –

~~shall mean~~ Any Employee, Board Member, Committee Member, or other authorized person incurring business expenses while conducting District business.

j. ~~j.~~ Travel –

~~shall mean~~ Transportation, lodging, meals and incidentals associated with attending a seminar, conference, or meeting requiring an overnight stay.

k. ~~k.~~ Travel Liaison –

~~shall mean~~ The person or persons selected within each District department to process expense authorizations prior to travel, arrange travel accommodations and process expense reports following travel, in conformance with District policies and procedures.

### SECTION 3 – Responsibilities

**Accounts Payable** shall ~~pay registration fees and~~ reimburse travelers for out-of-pocket expenses upon receipt of an approved and verified expense report form provided by the District.

**Board Member and Committee Members** shall be familiar with and in compliance with this policy; ensure all travel and other reimbursable expenses are reasonable; coordinate multiple Representative participation at conferences; and promote economic means of travel. The Board

can approve or deny requests for travel or other business activities and reimbursements for Board and Committee Members.

The ~~District Executive Director of Finance and Administration~~ ~~Controller~~ shall be familiar with and in compliance with this policy; enforce its provisions; and approve or deny ~~projected expenses~~ requests by staff (excluding the General Manager or Board) ~~prior to travel for Representative reimbursement.~~

~~Expense Report Reviewers~~ shall perform a review of all projected expenses prior to travel as well as expenses incurred following travel, checking for conformance with District policies and procedures. In addition, the Reviewer shall notify ~~Travel Liaisons or Controller~~ the Executive Director of Finance and Administration of all non-compliant projected and/or incurred expenses.

The ~~General Manager and Department Directors~~ shall be familiar with and in compliance with this policy; ensure all travel and other reimbursable expenses are reasonable; coordinate multiple Representative participation at conferences; and promote economic means of travel. The General Manager can approve or deny ~~projected expense requests~~ requests for travel or business activities and reimbursements for ~~d~~Department Directors and department Representatives prior to travel. Executive and Department Directors can approve or deny ~~projected expense~~ requests for travel or business activities and reimbursements for their department Representatives prior to travel.

~~Representatives~~ shall be familiar with and in compliance with this policy; obtain prior authorization for travel; and submit documentary evidence for expenses incurred.

~~Travel Liaisons~~ shall be familiar with and in compliance with this policy; promote economic and reasonable means of travel; and inform ~~Supervisors or Department Directors~~ the Executive Director of Finance and Administration of ~~all~~ any unreconciled expenses regarding travel matters.

#### SECTION 4 – Travel Liaison

The Travel Liaison ~~shall~~ is encouraged to arrange all travel, lodging accommodations and seminar/conference registrations in accordance with District policies and procedures.

#### SECTION 5 – Seminars/Conferences/Meetings - Approval

—Employee attendance at seminars, conferences, meetings or other activities must be approved in advance using forms provided by the District.

~~—A Board Member's attendance at a seminar, conference, meeting or other activity shall qualify for reimbursement of expenses incurred in connection with such activity, where the activity is either of the following: (1) an activity included in category A or category B of Section~~



~~2 of Article II, below, or (2) an activity authorized by the Board in the manner specified in Section 3 of Article II.~~ For Board Members, the determination of whether an attended conference, meeting or other activity shall qualify the Board Member to receive expense reimbursement shall be made under Article I of this Policy, separately from the determination of whether an attended conference, meeting or other activity shall qualify the Board Member to receive compensation under Article II. An attended conference, meeting or other activity may qualify for expense reimbursement regardless of whether or not it qualifies for compensation.

#### SECTION 6 – Seminars/Conferences/Meetings – Business Purpose

—There must be a business reason for attendance at conferences and meetings. Such reasons would include, but are not limited to, presentation of technical findings, attendance at meetings, committees or technical sessions dealing with issues related to District business, or participation as an officer of the association. No travel is permitted out of the country without prior Board approval.

—On occasion, District Representatives are requested to be a presenter at a seminar, conference or meeting. One presenter should provide multiple District presentations, if possible. Association involvement as an officer or committee member, which requires the use of District staff time, must be approved by the General Manager prior to a commitment being made.

—Seminars must be selected based on value to the District. Benefits would include improved efficiency and effectiveness, as well as meeting new regulatory standards. In addition to the costs estimated on the District’s authorization form for conferences and seminars, the cost of an Employee’s work time for travel to, from and during the seminar must be considered. Free, local seminars attended during work time must also be authorized in advance.

Preference will be given to seminars that are provided within the Southern California region. Attendance at seminars, conferences, or meetings in “destination resort” areas outside California or areas outside the continental United States is discouraged.

On occasion, Representatives may elect to extend their stay at travel destinations or travel with family members. All expenses including, but not limited to, airfare, ~~extra~~ meals, extended car rental or lodging, related to such extended or family travel must be paid by the Representative.

#### SECTION 7 - -Transportation

The most economical mode and class of transportation reasonably consistent with travel and scheduling requirements will be used. Mileage reimbursement for use of personally-owned vehicles shall be the rate set by the Board, which is equivalent to the current Internal Revenue Service (IRS) rate for travel deductions.

In no case shall the amount paid for mileage reimbursement for use of a personally owned vehicle used for travel in lieu of air travel exceed the cost of coach class or equivalent airfare. ~~Use of a personally owned vehicle for travel must be approved in advance by the Employee’s~~

~~department director.~~ Where both travel and rental car reimbursements are utilized, the combined total can't exceed the cost of coach class or similar economy airfare.

Mileage for commuting is considered a personal expense pursuant to IRS Accountable Plan requirements and will not be reimbursed. Commuting is travel between a Representative's *residence* and any of the Representative's *regular work location(s)*. There may be multiple regular work locations. Pursuant to IRS requirements and guidance documents, facilities including the District's headquarters, the Operations Center/San Joaquin Marsh, and the Los Alisos Water Reclamation Plant shall be considered regular work locations. Commuting excludes travel between one work location and another. Different commuting expense rules may apply where an employee is assigned to a District-owned house to be used as a residence. Board members will not be reimbursed for mileage to Committee meetings including Standing and Ad Hoc Committee Meetings where they represent the District. -Particular facts may require interpretation by the ~~Controller~~ **Executive Director of Finance and Administration**, using Accountable Plan requirements.

Personally owned vehicles used in the conduct of District business must be insured for property and liability damage in an amount not less than the minimum limits required by the California Financial Responsibility Act.

Reasonable vehicle parking ~~and storage costs~~ will be allowed when District, rental, or personally owned vehicles are used for District business. Highway and bridge tolls are allowable expenses when incurred while conducting District business.

When traveling by air or utilizing rental vehicles, the District's Travel Liaisons will **generally** arrange air travel and car rentals. Travelers should only use rental cars for ground transportation as a last resort or when it is less expensive than other forms of transportation such as trains, buses, taxis or shuttles. Discretion must be used in selecting rental car size. They should be the smallest size that provides adequate safety and comfort for the time they are in use. To accommodate a group of travelers, a larger vehicle may be rented in-lieu of renting separate vehicles.

Representatives ~~should decline both liability and collision insurance on~~ ~~will not be reimbursed for any surplus insurance purchased for~~ rental cars, because the Representative and the District are already sufficiently insured through existing District policies. **Any accident or damage to a rental vehicle should be reported to the car rental company within 24 hours and to the District Risk Management department within one working day following the accident.** Only Representatives are allowed to operate rental cars. Use of chauffer-driven limousines is not allowed while conducting District business.

All air travel must be at coach class, or a similar economy airline level. First class travel will only be allowed on an exception basis and must be approved in advance by the General Manager. Air transportation should be arranged as early as possible to take advantage of reduced fares for early reservations. Consideration should be given to alternative

departure/arrival airports, dates, flight times and stopovers to minimize airfares. However, the total cost of the alternatives (e.g., ground transportation, employee work times, lodging) should also be considered in selecting an alternative. Internet booking services can be consulted to help in finding the optimum alternative; ~~however, flights must still be reserved by the Travel Liaison.~~ Government and group rates offered by a provider of transportation services shall be used when available. ~~The District expense report approver may~~ approve ~~authorize~~ travel flexibility features such as additional leg room and ticket exchange provisions. ~~the purchase of additional leg room on a case by case basis.~~

Receipts are required for all transportation expenses, except as follows: For mileage incurred in the use of a personally owned vehicle, a MapQuest or similar verification of the distance traveled shall be submitted and shall serve as the receipt. For transportation expenses customarily incurred without a receipt, including valet gratuities, ~~toll road charges~~, and for incidental business-related mileage incurred in connection with attendance at a non-local activity, a maximum of \$25.00 per day shall be reimbursed for all such expenses that are described in the expense report but are not accompanied by a receipt or MapQuest or similar verification.

#### SECTION 8 – Food and Lodging

Expenditures for food and lodging will be moderate and reasonable.

##### Meals While Traveling

Meal expenses are allowed while Representatives are traveling. Expenses for other meals, not associated with travel, but with appropriate business purpose, are also allowed.

District Representatives will be reimbursed for actual meal expenses, including all taxes and gratuities, up to the amounts indicated below. Expenses will be reimbursed on a meal-by-meal basis, not a daily basis. If meal expenses exceed the amounts allowed as set forth below, the Representative will be reimbursed the allowance amount, with the remainder being paid by the Representative. However, in the event the Representative provides a ~~reasonable written explanation~~ ~~detailed receipt~~ adequately justifying ~~why~~ ~~the~~ meal(s) ~~exceeded the allowable amount~~, this will be considered by the ~~Controller~~ ~~Executive Director of Finance and Administration~~ or General Manager if the Executive Director of Finance and Administration incurs the expense and full reimbursement may be allowed. If meal expenses are less than the amount set forth below, the actual expense amount will be reimbursed. All meal expenses must be documented in detail in accordance with this policy.

~~Board Members~~ Representatives must provide receipts for all expenses in order to be reimbursed. ~~Employee~~ Representatives of the District may be reimbursed for meals under either of two methods:

##### Method 1 -- "No Receipt Method"

When no receipts are provided, the maximum per meal/expense reimbursements are as follows:

Breakfast	<del>\$ 6.00</del> \$10.00
Lunch	<del>\$10.00</del> \$15.00
Dinner	<del>\$18.00</del> \$20.00
Incidentals	\$ - 6.00

During Travel, these amounts may be aggregated to allow a total per day maximum of \$45 (excluding incidentals). For instance, multiple meal expenses may be combined to allow for a more expensive single meal. However, in no event will a Representative be reimbursed more than \$45 per Travel day (excluding incidentals) under the “No Receipt Method”. Board Members are not entitled to reimbursement for meals under the “No Receipt Method”, unless noted that a detailed receipt was lost.

Method 2 -- “Receipt Method”

When receipts are provided, the maximum per meal/expense reimbursements are as follows:

Breakfast	<del>\$15.00</del> \$20.00
Lunch	<del>\$20.00</del> \$25.00
Dinner	<del>\$30.00</del> \$40.00
Incidentals	\$10.00

Under this method, the maximum amounts for multiple meal expense cannot be combined to pay for a more expensive single meal. This method is applied strictly on an individual meal basis. In no event will a Representative be reimbursed more than \$875 per travel day (excluding Incidentals) under the “Receipt Method”. In the case of a missing receipt, the Employee Representative will be reimbursed the maximum per meal amount allowed under Method 1 for that meal; a Board Member cannot receive reimbursement for any meal without a receipt.

Receipts must be an original, detailed receipt itemized items ordered including all items purchased for actual costs. ~~R~~ Restaurant bill stubs do not provide sufficient detail and are not acceptable for reimbursement under this method. If detailed receipts are not available, the Employee Representative can still be reimbursed at lower amounts under the “No Receipt Method.” However, credit card receipts may be accepted for the Employee or Board Member Representative, subject to ~~Control~~ the Executive Director of Finance and Administration approval, if itemized, detailed, meal receipts are not provided by the restaurant.

Non- Travel Business Meals:

Non-travel business meals will only be reimbursed if taken in conjunction with a District business meeting and expenditures are reasonable. – Meals for Representative guests will be

reimbursed only if they have a legitimate business relationship with the District. Conflict of interest policies and applicable statutes must be considered when providing meals for or receiving meals from non-Representatives. If meals are included in the cost of a conference or seminar, Representatives will not be reimbursed for meals eaten outside the conference or seminar in-lieu of the meal provided. **However, if there is a valid business purpose, this will be considered for reimbursement by the Executive Director of Finance and Administration.** The District will not reimburse for alcoholic beverages consumed by Representatives or their guests under any circumstances.

**Lodging:**

When travel is to a conference, the conference-sponsored hotel's maximum group rate published by the conference or activity sponsor shall be used if available at the time of booking. Some conferences require early booking to take advantage of reduced rates. If lodging cannot be arranged at the conference-sponsored hotel's maximum group rate, then the next most reasonably priced lodging must be used. Other lodging accommodations may also be arranged if the cost is less than the conference-sponsored hotel. Government and group rates offered by a provider of lodging shall be used when available.

**SECTION 89 –Reimbursement Processing**

Requests for reimbursement will be submitted within a reasonable period of time (60 days after they were paid or incurred).

Requests for reimbursement will be submitted on forms provided by the District, and must be accompanied by receipts or documentation evidencing each expense, except as otherwise specified herein for certain transportation expenses. All expense reports, in order to be in accordance with the IRS' Accountable Plan requirements, must include detailed **original** receipts and must state the date, type of expense, District business purpose, those in attendance and their affiliations, and amounts expended.

Reimbursements to Representatives for meals, lodging and other actual and necessary expenses allowed under this Policy, but excluding conference registration fees and airfare(s), shall not exceed \$500 per day. However, in the event the Representative provides a reasonable written explanation adequately justifying why his/her daily expenses exceeded the allowable amount, it is within the ~~Controller~~ **Executive Director of Finance and Administration's** discretion to authorize reimbursement in excess of the daily maximum. This maximum of \$500 per day shall apply *in addition to* all other specific limits, requirements and guidelines of this Policy, including but not limited to the maximum meal reimbursement rates set forth in Section **78** above.

Expenditures, which are improper or otherwise not adequately documented, will not be reimbursed. Alcoholic beverages and other non-essential expenses including, but not limited to, in-room movies, service bar, etc. will not be reimbursed.

All credit card expenditures must also be documented in accordance with the District's Credit Card Procedure.

Employee expense reports must be submitted to the Expense Report Reviewer within 60 days after expenses were paid or incurred. Any delinquent expenses will not be reimbursed unless justified in writing and approved by the General Manager at his/her sole discretion. All Board Member and Committee Member expense reports must be submitted to the Expense Report Reviewer within 60 days after expenses were paid or incurred. Any delinquent requests for reimbursement will be submitted to the full Board for approval.

All Board ~~Member~~ and Committee Member expense reports will be reviewed for proper documentation and compliance with this policy by the Expense Report Reviewer prior to submittal for approval by two other Board Members. Committee Member expense reports must be approved by two Board Members. ~~A summary of the~~ ~~All~~ General Manager, Board ~~Member~~ and Committee Member expense reports shall be submitted to the District's Finance and Personnel Committee each quarter for review. ~~A summary of all~~ ~~H~~ Executive Director and Director expense reports shall be submitted to the District Finance and Personnel Committee on an annual basis for review.

~~In accordance with~~ Government Code Section 53065.5 ~~California Special District regulations,~~ the District will disclose any expense reimbursement paid by the District of at least one hundred dollars (\$100) ~~per day for each individual charge~~ ~~for services or product received.~~ This disclosure item will be reported to the Board on a monthly basis. ~~Charges made using the District credit card may be excluded.~~

## II. BOARD MEMBER MEETING COMPENSATION

### SECTION 1 – General

As Representatives of the District, Board Members shall be familiar with and in compliance with this policy regarding business expense reimbursement and meeting compensation. Each member of the Board of Directors is encouraged to participate in those outside activities and organizations that, in the judgment of the Board, further the interests of the District.

Article I, Section 1- General, Section 2 - Definitions and Section 3 – Responsibilities shall apply to this Article II.

### SECTION 2 – Board Member Meeting Compensation

Board Members will be compensated at the rate determined by the Board of Directors and consistent with applicable law for attendance at meetings of the Board of Directors and for each day's service rendered as a member of the Board by request of the Board, including travel days to and from any approved conference, meeting or other event where service or representation is rendered as a member of the Board by request of the Board. ~~For~~ For purposes of this Section and Water Code Section 20201, "by request of the Board" shall mean (a) for meetings and other services listed in A, below, authorization by adoption of this Policy; and (b) for meetings and other services listed in B, below, advance authorization from the Board at a regularly scheduled

Board meeting or as otherwise authorized by Board resolution, or, if permitted under Section 3 below, advance authorization by the President or Vice- President (if the President is unavailable) with ratification at ~~the next~~ subsequent regularly scheduled Board meeting. Board approved compensation will be made pursuant to the Water Code Section 20202, and individual Board members will not be compensated for more than a total of ten days in any calendar month. Changes in compensation for Board Members will be implemented in compliance with IRWD Ordinance No. 1989-1.

————Board members ~~shall~~ **are required to** make a brief report on meetings attended at the expense of the District at the next regularly scheduled meeting of the Board **pursuant to Government Code Section 53232.3(d).**

- A. Meetings Specified By This Policy As “Requested By The Board”. No further authorization to receive compensation for the following is required.
1. Board Members shall receive compensation for attending Board meetings.
  2. Committee Members shall receive compensation for attending Committee meetings of which they are members (including designated alternate members attending in members’ absence).
  3. Board Members shall receive compensation for attendance as members of the board of directors at board meetings of nonprofit organizations created by or supported with funds or other contributions from the District (unless held concurrently with meetings of the District’s Board).
- B. Meetings and Other Activities Requiring Advance Approval of Compensation By The Board. Compensation for the following requires advance approval by the Board, except as permitted in Section 3 of this article
1. Nonprofit organization board meetings where the Board member is not a member of the organization’s board of directors, if the nonprofit organization is one created by or supported with funds or other contributions from the District.
  2. Service club meetings where a Board Member is making a presentation on behalf of the District.
  3. Social or ceremonial events pre-authorized by the Board.
  4. Meetings a Board member has with other elected officials or their employees, ~~which do not include District staff.~~
  5. Meetings of the governing body of another agency, where a matter directly affecting the interests of the District is on the agenda and the Board Member is not a board member, employee or official compensated by the other agency.
  6. Meetings with District staff.
  7. Meetings with vendors/contractors.
  8. Conferences such as ACWA, CASA, WateReuse, CSDA, and Urban Water Institute.

9. Meetings with property owners on matters in which the property owner is seeking District approval or other consideration or on matters otherwise affecting the interests of the District.
10. Meetings of working coalitions of public and/or private entities in which the District is an active participant, stakeholder or interested party.

C. Meetings and Other Activities Not Compensated By The Board. Board Members will not be compensated or receive expense reimbursement for the following:

1. Nonprofit organization meetings other than those included in A3 or B1, above.
2. Nonprofit organization events.
3. District-sponsored employee events including, but not limited to, the Annual Holiday Breakfast, Holiday Luncheon, Employee Picnic or retirement events.
4. Purely social or ceremonial events not pre-authorized by the Board.
5. Service club meetings other than those included in B2, above.
6. Parades, festivals, holiday events, retirement dinners.
7. Meetings of partisan political organizations.

#### SECTION 3 – Authorization in Advance; Exceptions

Board Members may from time to time receive requests or elect to attend meetings or conferences pertaining to the water and wastewater utility industry, and may be asked to, or desire to, give presentations or otherwise represent the District at such events. Any Board Member wishing to attend such events and represent the District ~~by providing a presentation or oral commentary~~ shall request and receive advance authorization of compensation from the full Board of Directors. If expense reimbursement is also requested for such event, all requirements for such reimbursement under Article I of this Policy shall apply. In the event there is not sufficient time to submit a request for compensation to act as District Representative to the Board, the Board President or Vice President (if the President is unavailable) has the authority to approve such a request in advance; this approval would then be subsequently submitted for ratification at a subsequent ~~the next~~ regularly scheduled Board meeting.[1]

#### SECTION 4 – Processing of Compensation Requests

———Requests for compensation shall be submitted on compensation reporting forms, separate from and in addition to any expense reimbursement reporting forms submitted under Section 8 of Article I. All Board Member and Committee Member compensation reports must be submitted to the Expense Report Reviewer within 60 days after the activity to be compensated. Any delinquent requests for compensation will be submitted to the full Board for approval.


All Board Member and Committee Member compensation reports will be reviewed for compliance with this policy by the Expense Report Reviewer prior to submittal for approval by two other Board Members. ~~Committee Member~~ Compensation reports must be approved by




two Board Members. All Board Member and Committee Member compensation reports shall be submitted to the District's Finance and Personnel Committee each quarter for review.

August 11, 2014

Prepared by: Tony Mossbarger 

Submitted by: Cheryl Clary 

Approved by: Paul Cook 

## ACTION CALENDAR

### IDENTITY AND PASSWORD MANAGEMENT SOFTWARE IMPLEMENTATION CONSULTANT SELECTION

#### SUMMARY:

Staff conducted a Delivery and Staffing Assessment in August 2012 which recommended that the District implement an Identity and Password Management software system. The implementation of this software will simplify the management of passwords used to access District applications. Staff recommends that the Board authorize the General Manager to execute a Professional Services Agreement with GDS2, Inc. in the amount of \$90,650 to provide implementation services for the Identity and Password Management Software Implementation project.

#### BACKGROUND:

In September 2012, an Information Technology Services Delivery and Staffing assessment was conducted to review the District's evolving Oracle technical environment as well as anticipated investments in the utility billing and enterprise asset management applications. As a result of the assessment, implementation of an identity and password management software application was recommended.

Password and identity management software will greatly simplify the management of passwords used by employees to access District applications. Currently, passwords are set up and managed separately for each application. Employees have a minimum of three different passwords to track and maintain. When an employee needs to change or reset a password, multiple steps in multiple applications are required. The current process is time consuming and prone to missteps, which typically required staff from the Information Services Department to provide assistance. The software will improve and streamline the process by which employees manage and change passwords. The software includes a self-service feature that will allow employees to reset an expired password without intervention from Information Services staff.

#### Consultant Selection:

A Request for Proposal was issued on June 2, 2014 to three consultants with experience implementing identity and password management software: GDS2, Key Info, and Novacoast. Two of the three consultants submitted proposals, GDS2 and Novacoast. Key Info did not submit a response. Staff reviewed and ranked the proposals as shown in the Consultant Selection Matrix which is attached as Exhibit "A".

Based on the proposal rankings, staff feels that GDS2 has the best understanding of Identity and Password Management. Staff also believes that GDS2 has the most experienced project team and is the most capable of assisting the District with the implementation.

Staff recommends awarding a Professional Service Agreement to GDS2 in the amount of \$90,650. GDS2's proposal is attached as Exhibit "B".

FISCAL IMPACTS:

Funding for the Identity and Password Management implementation is included in the approved FY 2014-15 operating budget.

ENVIRONMENTAL COMPLIANCE:

This activity is exempt from the California Environmental Quality Act (CEQA) as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15268, Ministerial Projects.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on August 5, 2014.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GDS2, INC. IN THE AMOUNT OF \$90,650 FOR THE IDENTITY AND PASSWORD MANAGEMENT SOFTWARE IMPLEMENTATION PROJECT.

LIST OF EXHIBITS:

Exhibit "A" – Consultant Selection Matrix  
Exhibit "B" – GDS2's Scope of Work and Fee Proposal

## EXHIBIT "A"

### CONSULTANT EVALUATION MATRIX

IDENTITY AND PASSWORD MANAGEMENT SOFTWARE PROJECT							
Item	Description	Weights	GDS2		Novacoast		Key Info
A	<b>TECHNICAL APPROACH</b>	<b>25%</b>					
1	Overall Project Understanding / Approach	40%	1.2		1.5		
2	Scope of Proposal	60%	1.3		1.5		
	<u>Weighted Score (Technical Approach)</u>		1.3		1.5		0.0
B	<b>QUALIFICATION AND EXPERIENCE</b>	<b>75%</b>					
1	Project Manager	40%	1.5		2.0		
2	Project Team	30%	1.5		1.8		
3	Firm's Experience	30%	1.2		1.8		
	<u>Weighted Score (Experience)</u>		1.4		1.9		
	<b>COMBINED WEIGHTED SCORE</b>		1.4		1.8		0.0
	<b>Ranking of Consultants</b>						
C	<b>SCOPE OF WORK</b>						
	Professional Services Fee			\$90,650		\$135,000	
	Additional Expenses			\$0		\$27,000	
	<b>TOTAL FEE</b>		0	<b>\$90,650</b>	0	<b>\$162,000</b>	<b>\$0</b>
D	<b>OTHER</b>						
	Joint Venture		IDMWORKS		None		None
	Sub Consultants						
	Exceptions taken to IRWD Std. Contract		None		None		
	Insurance (Professional & General Liability)		Yes		Yes		
	<b>RANKINGS:</b>						
	1 - Best						
	2 - 2nd Best						
	3 - 3rd Best						
	4 - 4th Best						



**IDMWORKS**



# IDMWORKS

10755 Scripps Poway Parkway  
Suite 371  
San Diego, CA 92131

Orange County Office:  
1 Baristo  
Irvine, CA 92612

Phone (866) 762-8485 x4372  
Phone: (949) 679-7969  
rreeder@gds2.com

Irvine Ranch Water District  
15800 Sand Canyon Avenue  
Irvine, CA 92619

## **Project: Identity and Password Management**

This letter serves as GDS2, Inc. and IDMWORKS confirmation of our ability and desire to perform the services requested in the Irvine Ranch Water District's RFP for an **Identity and Password Management SSO Solution**, dated 06/02/2014. The attached proposal represents an offer to provide the requested services to the Irvine Ranch Water District. The Terms and Pricing for the services described in the attached submittal will remain valid for a period of ninety (90) days from the date of submission, unless superseded in writing by contract between the parties for the services described herein. Information provided in this RFP response can be used in conjunction with this proposal for evaluation and award purposes. Any other use of the intellectual property included would be construed as misuse.

### **Base Proposal and Optional Proposal**

This bid submittal includes two parts. The first is the **Base SSO with Self-Service Password Reset** that meets the requirements set out in your RFP. The Second section entitled **Optional Full IDM Sync Solution** meets all of the requirements of the Base SSO with SSPR plus the implementation of a more robust Identity and Access Management Solution which our engineers recommend as best practice for a long-term and easy to manage solution. The Irvine Ranch Water District may choose to implement either one, but please note that the costs quoted are not additive. The summary of the two solutions are shown here:

1. Base SSO with Self-Service Password Reset
  - a. Single Sign On to all listed applications with automatic management of application passwords by the SSO solution. SSO is accomplished using the NetIQ SecureLogin solution.
  - b. Self Service Password Reset automation to reduce Help Desk demands
  - c. Self Service Password Reset when not in the office whether using an IRWD device or not
  - d. Single Sign On experience when not in the office whether using an IRWD device or not
  - e. User account password sync with Oracle E-Business Suite
  - f. User password sync automatically after sign on with changes maintained by the SSO
  - g. Knowledge transfer and training will be provided for Network Administrators during the project with shadowing and mentoring
  - h. Total Fixed Fee cost of \$104,583.35 – all Professional Services and Software
2. Optional Full IDM Sync with SSO and SSPR and Access Management
  - a. Includes all of the items above in the Base SSO w/SSPR plus the following
  - b. Full Identity Management solution utilizing NetIQ Identity Manager (IDM) with all necessary Integration Modules for Databases, Oracle Enterprise (E-Business Suite), and Tools.
  - c. Reporting and Auditing of all user activity both authorized and unauthorized attempts for compliance and risk management
  - d. Full user provisioning and de-provisioning solution adding a high level of security management for enterprise data for all named applications
  - e. Total Fixed Fee cost of \$186,700.85 – all Professional Services and Software



10755 Scripps Poway Parkway  
Suite 371  
San Diego, CA 92131

Phone (866) 762-8485 x4372  
Phone: (949) 679-7969  
rreeder@gds2.com

## IDMWORKS

Orange County Office:  
1 Baristo  
Irvine, CA 92612

We will be pleased to meet with you and discuss the two options as you desire. Thank you for the opportunity to participate in your Request for Proposals.

Sincerely,

A handwritten signature in cursive script that reads "Russell R Reeder".

Dated 6-25-2014

Russell R Reeder - Vice President  
GDS2, Incorporated



**Quotation to**

GDS2, Inc.  
 10755 Scripps Poway Pkwy, Suite. 371  
 San Diego, CA 92131  
 Phone:(949) 679-7969  
 FAX (810) 396-6326  
**Bill To:**  
 Irvine Ranch Water District  
 15600 Sand Canyon Ave.  
 Irvine, CA 92612

**Irvine Ranch Water District**

**Single Sign-On and Self-Service  
 Password Reset with Remote  
 Services via Access Manager**

**Date:** 6/24/2014  
**Quotation #:** GDS 41814  
**Valid Until:** 9/5/2014  
**Prepared By:** Russ Reeder  
 Vice President  
 rreeder@gds2.com

(949) 453-5496

Description	Product Number	Quantity	MSRP	Discount Price	Extended
<b>Product Description</b>					
SecureLogin 7.0 1-User License + 1-Year Priority Maintenance	877-006421-MLA	350	\$44.00	\$27.73	\$9,705.15
Self-Service Password Reset 2.0 100-User License	873-010770-MLA	4	\$264.00	\$202.04	\$808.18
SSPR 2.0 100-User 1-Yr Priority Maint	877-007800-MLA	4	\$66.00	\$56.04	\$224.17
NetIQ Access Manager 3.2 1-User License	873-010813-MLA	350	\$8.58	\$7.26	\$2,539.78
NetIQ Access Manager 1-User 1-Year Priority Maintenance	877-001854-MLA	350	\$2.18	\$1.87	\$656.08
<b>Support &amp; Professional Services</b>					
<b>Additional Comments / Instructions</b>					
				<b>*Subtotal</b>	<b>\$13,933.35</b>
				<b>Grand Total</b>	<b>\$13,933.35</b>
				Estimated Shipping and	
				*Plus applicable taxes	
<b>MSRP</b> \$20,486.00 <b>Your Price</b> <b>\$13,933.35</b> <b>Discount Savings</b> \$6,552.65					

**This quote was prepared for:**  
**Jeff Bertsch**  
**Sr. Systems Administrator**

**Authorized Signature:** \_\_\_\_\_  
 Name / Title  
 \_\_\_\_\_  
 Date



# Identity Management SSO Statement of Work

## 1. Proposal Description

**GDS2, Inc.** in partnership with **IDMWORKS** are proposing a comprehensive solution for the Irvine Ranch Water District for an Identity and Password Management Single Sign On experience as well as an Option for a solution to Sync all Passwords across all named applications as well as a for their 350 users both internal to their network and remote, while protecting security and the control of user identities and access privileges. These proposals also include all software required to integrate this solution into their network directory services. Both proposals are Fixed Fee proposals based on the deliverables stated.

## Features

In addition to the high-level requirements described, the other specific features included are:

- Single Sign On to all listed applications with automatic management of application passwords by the SSO solution. SSO is accomplished using the NetIQ SecureLogin solution.
- Self Service Password Reset automation to reduce Help Desk demands
- User account password sync with Oracle E-Business Suite
- User password sync automatically after sign on with changes maintained by the SSO
- Knowledge transfer and training will be provided for Network Admins during the project with shadowing and mentoring

## Optional Full IDM Sync Solution

- Full Identity Management solution utilizing NetIQ Identity Manager (IDM) with all necessary Integration Modules for Databases, Oracle Enterprise (E-Business Suite), and Tools.
- Reporting and Auditing of all user activity both authorized and unauthorized attempts for compliance and risk management
- Full user provisioning and de-provisioning solution adding a high level of security management for enterprise data for all named applications
- Optional Full IDM Sync can be done together with the SSO solution or performed later as budgets permit

All work will be provided by senior engineer(s) experienced in both IDM solutions and the Oracle E-Business Suite integration. A List of reference accounts is provided with this submission.

## California Small Business

**GDS2, Inc.** is an IT solutions provider and a NetIQ Partner and Dell Premier Partner with advanced expertise in data center class WAN optimization, enterprise network storage, VDI, server and enterprise security from firewall protection to Access and Identity Management. We have customers throughout the western US and are distinguished by having the largest Dell/Compellent installed base in So Cal.

**GDS2, Inc.** is a certified California Small Business; certification documents are included with this submittal. **GDS2, Inc.** partners with **IDMWORKS** for delivery of Access and Identity Management solutions.

## 2. IDMWORKS Delivery Expertise

In addition to the long established support relationship provided through **GDS2, Inc** since 2010 with the IRWD, **IDMWORKS** provides unsurpassed expertise in Access and Identity Management solution delivery with clients of all sizes from medium to enterprise class.

- Operational Since 2004
- Privately Owned
- D&B Rating of 95%
- 65+ Consultants
- Oracle Platinum Partner
- NetIQ Elite Partner
- Proven methodology and phased project approach of requirements, design, build, test, deploy and support.
- 95% of employees are US citizens with 25% US Government security clearances
- Each consultant has 5+ years experience in Identity and Access Management
- Hundreds of successful engagement across multiple business and public sectors
- **IDMWORKS** is one of the top ten Identity and Access Management IAM consultancies in the US with extensive experience helping clients solve challenges across all IAM disciplines and vendor technologies. – Gartner 2012

## IDMWORKS Success Approach

- ✓ Assess environment and interview stakeholders to find gaps in “as-is” and “to-be” states
- ✓ Form a team of Business Owners, IT Sec, Audit and Compliance
- ✓ Focus on workflow and narrow the initial goal:
  - Human or non-human
  - Address mobile environment (BYOD)
  - Areas that can be improved quickly
- ✓ Gain Executive buy-in by focusing on gains:
  - Automate the account process: new, change, & remove for efficiency
  - Improved speed to onboard



- ② Improve security on entitlement creep
- ② Improved audit on off-boarding
- ② Speed to deliver audit data

### **Consulting Delivery Team**

Below are the members of the consulting Delivery Team responsible for implementing your proposed solution.

Timothy Parker – NetIQ Practice Manager / Project Manager

Tom Howarth – Identity and Access Management Senior Consultant

Gary Richardson-Identity Management Consultant

Russ Reeder-Project/Account Manager

Detailed vitas are attached to this submittal for all members of the Delivery Team.



510 Madeira Ave.  
Coral Gables, FL 33134

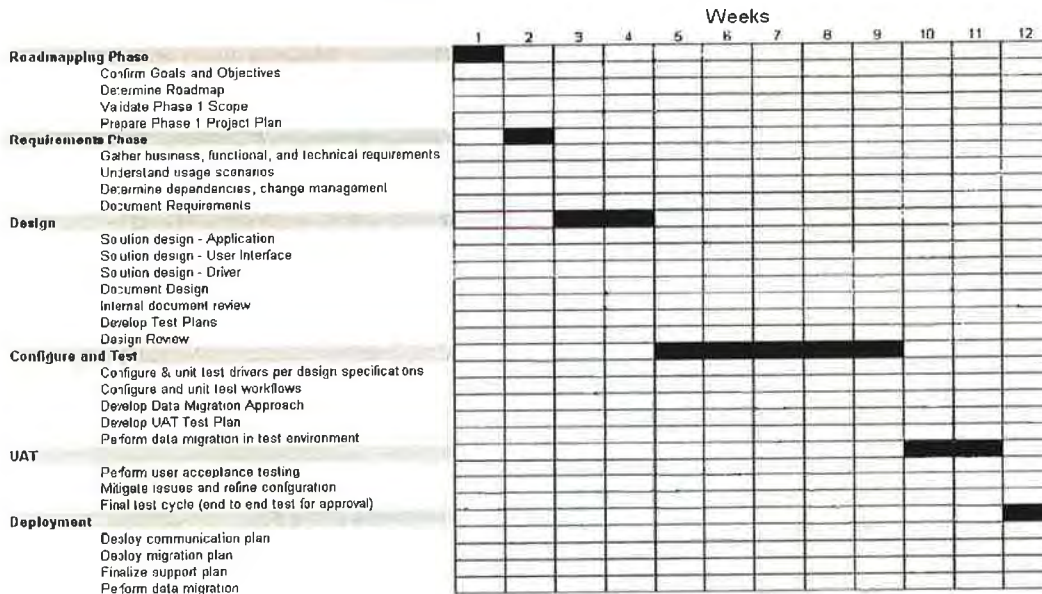
Phone: (888) 687-0436  
Fax: (888) 687-0436

**3. Professional Services Solution Delivery Methodology**

Professional Services uses a consistent methodology approach and best practices to help ensure the success and completion of E-Business Suite projects. This methodology consists of the following phases and is managed with our Project Management methodology:

- Planning and Strategy
- Requirements Assessment
- Detailed Design
- Configure and Test
- User Acceptance Testing
- Deployment

The example project plan shown on the following page outlines this approach.



Version 1.0

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.



**IDMWORKS**510 Madeira Ave.  
Coral Gables, FL 33134Phone: (888) 687-0436  
Fax: (888) 687-0436**Project Management Methodology**

IDMWORKS offers a project management methodology based on industry best practices. IDMWORKS has developed a proprietary Project Organization & Engagement Methodology (POEM) based on the Project Management Institute's Project Management Body of Knowledge (PMBOK). POEM provides an enterprise-wide framework for the project management environment by providing a documented set of hierarchical processes, methods, procedures, tools, and templates that cover almost all project situations. IDMWORKS Professional Services will use POEM methodology for this project. The fundamental principle and practices employed include but are not limited to:

- Clearly establish realistic project goals and objectives
- Install the necessary tools, procedures, and personnel by which the project can be monitored and evaluated. Typically a work plan is created that defines tasks, milestones, durations, effort, dependencies and resources allocations
- Provide effective communications to all involved participants

While IDMWORKS's project management methodology is well defined, we recognize that every organization has its own standards of project management and reporting. We work cooperatively throughout the project with our customers to ensure that we meet all required standards.

**Typical Deliverables**

The following are typical deliverables that are maintained by the project manager. They are created during the initial phase of work and become living documents that evolve throughout the project. On Staff Augmentation engagements, it is expected that Customer's Project Manager provides these materials and leverages them to assist in managing the resources provided by IDMWORKS.

- Master Project Plan
- Project Status Reports (accomplishments, plans for next period, issues for management attention, project financial summary)
- Issues Log / Issues Management
- Risk Log / Risk Management

**Planning and Strategy**

IDMWORKS Professional Services has found that customers that begin large-scale enterprise E-Business Suite implementations can benefit greatly from beginning the process with a brief focused Planning and Strategy engagement. Based on IDMWORKS's experience and best practices, this Professional Services engagement is designed to help our customers optimize their E-Business Suite deployments by considering both the IT and business implications of E-Business Suite, including strategy, architecture, process, organization and people.

- Helps our customers rapidly build clarity and consensus on E-Business Suite direction and goals
- Helps in prioritizing, planning, and phasing numerous identity-related opportunities
- Provides a clear roadmap for implementation, helping to stage resources and budgets
- Helps speed progress in getting identity solutions in place quickly and effectively — faster time-to-value
- Helps customers identify and deal with implementation challenges to reduce implementation risks

IDMWORKS has deep experience in successfully conducting these engagements and can bring to bear our knowledge of best practices and potential pitfalls to help customers make rapid implementation progress by following a prioritized roadmap customized for your organization.

During this engagement the following deliverables will be produced:

- Assessment of current E-Business Suite technologies, processes, and capabilities
- E-Business Suite Gap Assessment, including next steps to improve functionality and performance
- Required Future State E-Business Suite capabilities and processes

Version 1.0

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## IDMWORKS

510 Madeira Ave.  
Coral Gables, FL 33134

Phone: (888) 687-0436  
Fax: (888) 687-0436

- E-Business Suite best practice recommendations and critical success factors
- An action plan for short-term next steps

### Requirements Assessment

The purpose of the Requirements Assessment phase is to confirm assumptions about the Customer's systems and business needs, to provide an analysis of the current environment, understand the current and target architecture, and to refine the scope and requirements for providing the subsequent project phases contained in the SOW.

### **Typical Deliverables**

The following are typical deliverables that are maintained by the project manager. They are created during the initial phase of work and become living documents that evolve throughout the project. On Staff Augmentation engagements, it is expected that Customer's Project Manager provides these materials and leverages them to assist in managing the resources provided by IDMWORKS.

- Initial data mapping
- Target technical architecture
- Business Requirements Definition

### Detailed Design Methodology

Critical to the success of IDMWORKS's methodology is ensuring that the proper Requirements Assessment work has been completed with sufficient detail to ensure a successful progression to the Design phase. This is especially true for large-scale, enterprise E-Business Suite solutions as the solution needs to have the appropriate architecture in place in order to ensure that it will scale and meet the long-term needs of the Customer without incurring significant rework. When IDMWORKS resources are leveraged in a Staff Augmentation model, it is assumed that the Customer will confirm that the requisite Requirements Assessment has occurred and that the solution is sufficiently architected as to proceed to the Design phase. Of course, Customer can also request IDMWORKS resources to assist in the Requirements Assessment phase should that work not yet be complete.

The purpose of the design phase is to create a detailed specification of the solution to be built. The design phase is a highly iterative process and requires client involvement in workshops to detail the output from the project initiation phase. The underlying hardware and software architecture required to support the requirements would be further detailed during this phase. IDMWORKS Professional Services will plan and conduct frequent team and management checkpoints. The checkpoints are a critical component of the process in that expectations are managed and the user and management community is made aware of project progress and any escalating issues that may impede further progress.

### **Typical Deliverables**

- The following are typical deliverables that are maintained by the project manager. On Staff Augmentation engagements, it is expected that Customer's Project Manager provides these materials and leverages them to assist in managing the resources provided by IDMWORKS.
- Refined project plan for development stage.
- Data migration strategy.
- Physical architecture (hardware and software requirements).
- Solution Design Specification.
- Test plan including unit testing and user acceptance test plan.

### Configure and Test

The development phase is comprised of configuring / coding and initial testing of the application. The application is based on the design specifications generated in the design phase, which must be complete prior to progressing to this phase. Configuration, customized coding, and unit testing are accomplished by individual developers and are iterative in nature. Once the programs or modules that comprise the application work satisfactorily, they are integrated into a complete system and tested

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Coral Gables, FL 33134Phone: (888) 687-0436  
Fax: (888) 687-0436

as a whole. For more complex applications, with larger project teams, a code review step may be added to the process. Code reviews will be performed by a combination of peer developers, system architects, and led by a quality assurance team.

The primary objectives of the development phase are to:

- Develop detailed application code and package customizations per design specifications.
- Test the application and correct defects (system).
- Ensure proper documentation of the application for maintainability.

**Typical Deliverables**

The following are typical deliverables that are maintained by the project manager. On Staff Augmentation engagements, it is expected that Customer's Project Manager provides these materials and leverages them to assist in managing the resources provided by IDMWORKS.

- Developed and tested application software on the development platform.
- Updated design document.
- Finalized technical rollout transition plan.
- Tested working interfaces and interface specifications.
- System administration documentation.

**Test Methodology**

A vital component to project success is the establishment of a comprehensive testing strategy early in the project life cycle to ensure a thorough and successful testing approach that includes unit, integration, performance, system, and user acceptance testing.

- *Unit Testing* - This phase involves testing the smallest pieces of software that can be independently tested. Typically, a unit is the work of a single developer. Commonly used references to white box testing, black box testing, code review, and code profiling are also indicative of the types of activities in this phase.
- *Integration and System Testing* - This phase involves testing all interactions between modules system-wide.
- *Performance Testing* - This phase involves testing certain parts of the application under user, data, and transaction load to determine runtime performance, scalability, and stability characterization of the complete system.
- *User Acceptance Testing* - This phase involves testing the entire application by the clients in the development environment to ensure all the functional and technical requirements have been satisfied.

**Deployment Methodology**

No project is complete until it has been successfully delivered and rolled out to the end-users. Rollout consists of complete installation of the application in the production environment for the extended user community. IDMWORKS Professional Services provides assistance to monitor the assimilation of the application to the user and IS communities. If necessary, the application is run in parallel with an existing application to ensure the new system is functioning properly.

**Typical Deliverables**

The following are typical deliverables that are maintained by the project manager. On Staff Augmentation engagements, it is expected that Customer's Project Manager provides these materials and leverages them to assist in managing the resources provided by IDMWORKS.

- Execute data conversion process
- Acquire production environment acceptance
- Conducted end user training
- Migrate to Production and perform production acceptance testing

Version 1.0

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#### 4. Reference Customers

Below are selections of reference customers who may be contacted concerning similar deployments in their enterprise environment. Government accounts were chosen where possible. All engagements are for Identity and Access Management solutions.

**Company Name:** Federal Confidential (and we did work for him at Ithaca College)

**Address (City, State, Zip):** Federal Confidential

**Phone Number:** [\(240\) 404-8702](tel:2404048702)

**Email:** [rmeyers@fltg.net](mailto:rmeyers@fltg.net)

**Contact Person & Title:** Randy Myers - Federal Confidential

**Type of industry:** Federal

**Length of time conducting business with this company:** Federal (on and off for 3 years, Ithaca - 1 year)

**Company Name:** Time, Inc. (and we did work for him at Conde Nast Publishing and Horizon BCBS)

**Address (City, State, Zip):** New York, NY

**Phone Number:** [212.522.6644](tel:2125226644)

**Email:** [keith\\_osullivan@timeinc.com](mailto:keith_osullivan@timeinc.com)

**Contact Person & Title:** Keith O'Sullivan - Executive Director, Information Security

**Type of industry:** Publishing

**Length of time conducting business with this company:** 2 years (with Time, 7 years overall)

**Company Name:** Excellus Blue Cross Blue Shield

**Address (City, State, Zip):** Syracuse, NY 13214

**Phone Number:** [315-671-6845](tel:3156716845)

**Email:** [Fran.Como@excellus.com](mailto:Fran.Como@excellus.com)

**Contact Person & Title:** Fran Como – Corporate Director BT Information and Services Control

**Type of industry:** Healthcare

**Length of time conducting business with this company:** 10 years

Delivered IAM Assessment and Roadmap as well as additional IAM services.

**Company Name:** Alliance Data (Comenity Inc)

**Address (City, State, Zip):** Plano, Texas 75024

**Phone Number:** [614-944-5359](tel:6149445359)

**Email:** [Thomas.VanWinkle@alliancedata.com](mailto:Thomas.VanWinkle@alliancedata.com)

**Contact Person & Title:** Thomas VanWinkle – Director/CISO InfoSec

**Type of industry:** Marketing and Advertising

**Length of time conducting business with this company:** 3 years

**Company Name:** American Express

**Address (City, State, Zip):** Phoenix, AZ 85054

**Phone Number:** [602-537-1954](tel:6025371954)

**Contact Person & Title:** Sean Johnson – Director, Program Management

AET – AESI – Security Architecture and Engineering

**Type of industry:** Financial

**Length of time conducting business with this company:** 2 years





**Company Name:** Oakridge National Labs

**Address (City, State, Zip):** Oakridge, TN

**Phone Number:** [865-254-2365](tel:865-254-2365)

**Email:** [pungms@ornl.gov](mailto:pungms@ornl.gov)

**Contact Person & Title:** Michael Pung – Security Director

**Type of industry:** Labs, Fed

**Length of time conducting business with this company:** Under 1 year



Russell R Reeder – Project / Account Manager

Vice President, GDS2, Inc.



Certified Small Business Enterprise

**Vendor Account Number:** 165265

Mr. Russ Reeder

GDS2

10755 Scripps Poway Parkway #371

San Diego, CA 92131

Thank you for submitting your Vendor Application seeking Small Business Enterprise recognition with the Coalition of Southern California Public Agencies. Per our evaluation of the information you provided in your application and the North American Industry Classification System codes you identified, your status as a Small Business Enterprise (SBE) has been approved. This certification is recognized by the following organizations:

- Metropolitan Water District of Southern California*
- Port of Long Beach*
- San Diego County Water Authority*
- Los Angeles Unified School District*
- Port of Los Angeles*
- Los Angeles Community College District*

Metropolitan is pleased to issue this SBE Certificate subject to the terms and conditions identified below:

**NAICS code(s) for which SBE status is recognized: 423430,541511,541519**  
**SBE Certificate Effective Date: 04/28/14**  
**SBE Certificate Expiration Date: 04/28/17**

Work Performed by your firm that falls within the above-mentioned NAICS code(s) will be counted as SBE participation for work performed on contracts procured by the above agencies.

The agencies reserve the right to withdraw this certification if at any time it is determined that certification was knowingly obtained by false, misleading or incorrect information and reserve the right to audit all statements. If any firm attempts to falsify or misrepresent information to obtain certification, the firm may be disqualified from participation in any contracts for a period of up to five years.

**SBE Certification is valid for a period of three (3) years. To maintain SBE status, firms must update their existing SBE Vendor Application on or before the expiration date mentioned above. All information is subject to verification.**

If there are any changes in your status that may impact your certification, you are required to update your account information online. A copy of your information can be viewed by logging into your Vendor Profile, and visiting the Small Business Certification tab.

Sincerely,  
John J. Arena  
Metropolitan Water District of Southern California  
Business Outreach Program Manager

700 N. Alameda Street, Los Angeles, California 90012 Mailing Address: Box 54153, Los Angeles, CA 90054-0153 Telephone (213) 217-7444

GDS2-IDMWORKS Project for SSO\_SSPR for Irvine Ranch Water District Option 1

ID	Task Name	Duration	Start	Finish	Jun 29, '14							Jul 6, '14							Jul 13						
					S	M	W	F	S	T	T	S	S	M	W	F	S	T	T	S	S	M	W	F	S
1	<b>Requirements and Design Phase</b>	<b>5 days</b>	<b>Tue 7/1/14</b>	<b>Mon 7/7/14</b>																					
2	Kickoff	0.5 days	Tue 7/1/14	Tue 7/1/14																					
3	Requirements	2.5 days	Tue 7/1/14	Thu 7/3/14																					
4	Design Document and Presentation	2 days	Fri 7/4/14	Mon 7/7/14																					
5																									
6	<b>Build and Test Phase</b>	<b>26 days</b>	<b>Fri 7/11/14</b>	<b>Fri 8/15/14</b>																					
7	<b>Build</b>	<b>21 days</b>	<b>Fri 7/11/14</b>	<b>Fri 8/8/14</b>																					
8	<b>SSPR Install (Self Service Password Reset)</b>	<b>1 day</b>	<b>Fri 7/11/14</b>	<b>Fri 7/11/14</b>																					
9	Install SSPR	0.5 days	Fri 7/11/14	Fri 7/11/14																					
10	Configure SSPR	0.5 days	Fri 7/11/14	Fri 7/11/14																					
11	<b>SecureLogin</b>	<b>20 days</b>	<b>Mon 7/14/14</b>	<b>Fri 8/8/14</b>																					
12	Install	1 day	Mon 7/14/14	Mon 7/14/14																					
13	Configure Apps	19 days	Tue 7/15/14	Fri 8/8/14																					
14	<b>Test Phase</b>	<b>5 days</b>	<b>Mon 8/11/14</b>	<b>Fri 8/15/14</b>																					
15	Test/Remediate SSPR Use Cases	1 day	Mon 8/11/14	Mon 8/11/14																					
16	Test SecureLogin	4 days	Tue 8/12/14	Fri 8/15/14																					
17																									
18	<b>Production Deployment and Documentation</b>	<b>7.5 days</b>	<b>Mon 8/25/14</b>	<b>Wed 9/3/14</b>																					
19	Deploy Solution to Production	5 days	Mon 8/25/14	Fri 8/29/14																					
20	As-delivered Documentation	2.5 days	Mon 9/1/14	Wed 9/3/14																					

Total Professional Services 276 mhrs

Project: Project IRWD SSO-SSPR Op  
Date: Fri 6/13/14

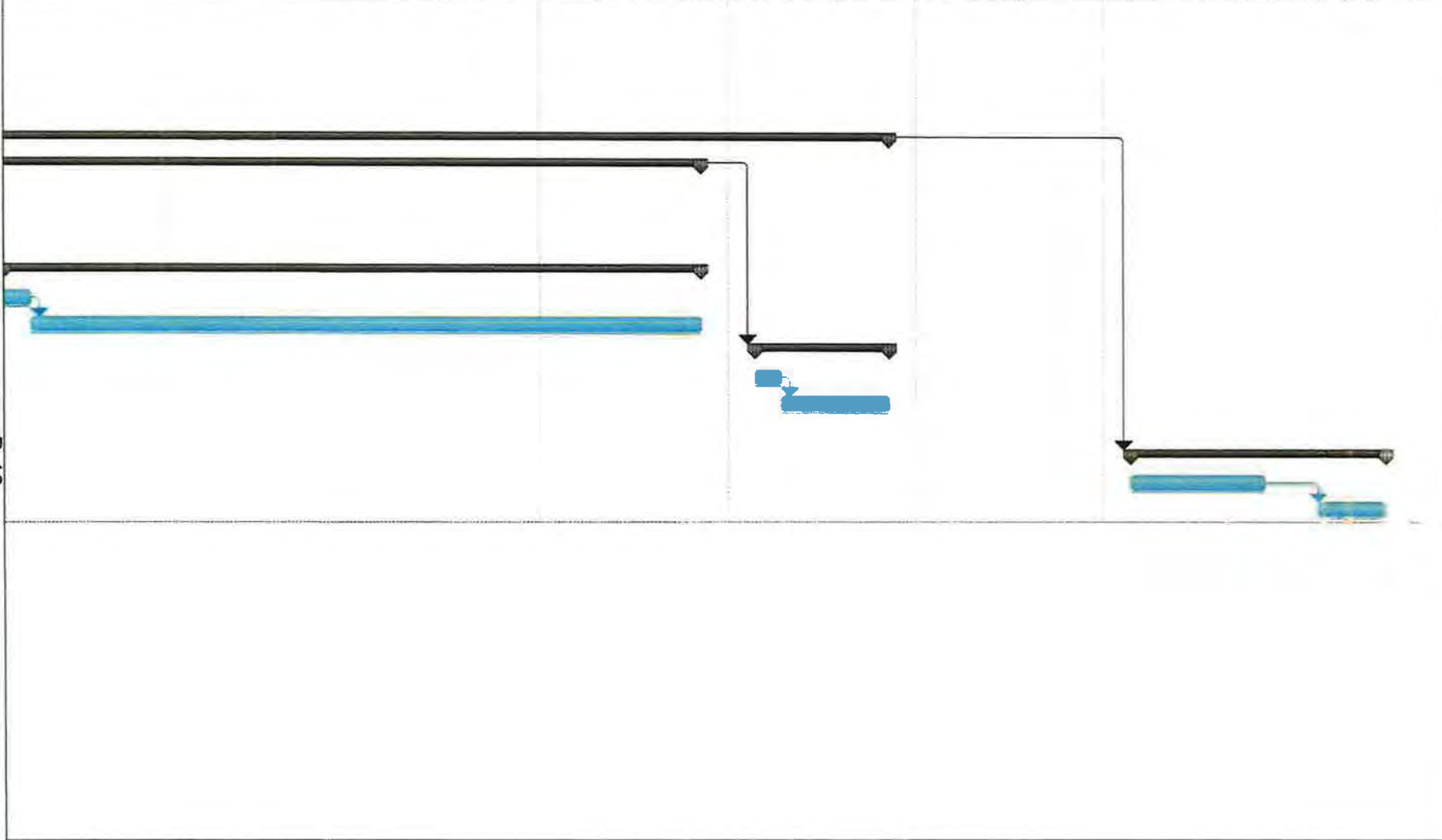
Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

B-15

GDS2-IDMWORKS Project for SSO\_SSPR for Irvine Ranch Water District Option 1

13, '14			Jul 20, '14			Jul 27, '14			Aug 3, '14			Aug 10, '14			Aug 17, '14			Aug 24, '14			Aug 31, '14					
M	W	F	S	T	T	S	M	W	F	S	T	T	S	M	W	F	S	T	T	S	M	W	F	S	T	T

B-16



Project: Project IRWD SSO-SSPR Op  
Date: Fri 6/13/14

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	



GDS2, Inc.  
 10755 Scripps Poway Pkwy, Suite. 371  
 San Diego, CA 92131  
 Phone:(949) 679-7969  
 FAX (810) 396-6326  
 Bill To:  
 Irvine Ranch Water District  
 15600 Sand Canyon Ave.  
 Irvine, CA 92612  
 (949) 453-5496

**Quotation to**

**Irvine Ranch Water District**

**Single Sign-On and Self-Service Password Reset**

Date: 6/17/2014  
 Quotation #: GDS 41807  
 Valid Until: 9/5/2014  
 Prepared By: Russ Reeder  
 Vice President  
 rreeder@gds2.com

Description	Product Number	Quantity	MSRP	Discount Price	Extended
SecureLogin 7.0 1-User License + 1-Year Priority Maintenance	877-006421-MLA	350	\$44.00	\$27.73	\$9,705.15
Self-Service Password Reset 2.0 100-User License	873-010770-MLA	4	\$264.00	\$202.04	\$808.18
SSPR 2.0 100-User 1-Yr Priority Maint	877-007800-MLA	4	\$66.00	\$56.04	\$224.17
<b>Support &amp; Professional Services</b>					
Additional Comments / Instructions				*Subtotal	\$10,737.50
MSRP \$16,720.00 Your Price <b>\$10,737.50</b> Discount Savings \$5,982.50			Grand Total \$10,737.50 Estimated Shipping and		

\*Plus applicable taxes

This quote was prepared for:  
 Jeff Bertsch  
 Sr. Systems Administrator

Authorized Signature: \_\_\_\_\_  
 Name / Title  
 \_\_\_\_\_  
 Date

# IRWD Procurement

## Bid Information

Bid Owner Ms. Chris Pio Buyer  
 Email pio@irwd.com  
 Phone 949 (453) 5713  
 Fax 888 (698) 3844  
 Bid Number cp060214  
 Title Intranet Identity and Password Management  
 Bid Type Sealed Bid  
 Issue Date 06/02/2014  
 Close Date 6/18/2014 2:00:00 PM


## Contact Information

Address 3512 Michelson Drive  
 Irvine, CA 92612  
 Contact Ms. Chris Pio Buyer  
 Department  
 Building  
 Floor/Room  
 Telephone 949 (453) 5713  
 Fax 888 (698) 3844  
 Email pio@irwd.com

## Ship to Information

Address 3512 Michelson Drive  
 Receiving  
 Irvine, CA 92612  
 Contact Scott Nomura  
 Department Purchasing  
 Building Warehouse  
 Floor/Room  
 Telephone (949) 453-5716  
 Fax  
 Email nomura@irwd.com

## Supplier Information

Company Name GDS2, Incorporated  
 Contact Name Russ Reeder  
 Address 10755 Scripps Poway Parkway  
 #371  
 San Diego, CA 92131  
 Telephone (949) 679-7969  
 Fax (810) 396-6326  
 Email rreeder@gds2.com  
 Signature 

## Supplier Notes

GDS2, Inc. and IDMWORCS are submitting this response as prime and sub-contractor JV.

GDS2, Inc. is a California Certified Small Business documents are attached to this submittal.

Date 06 / 18 / 2014

## Bid Notes

Contact Audrey Wells (949-453-5899, wellsa@irwd.com) for online bid system assistance, opening files or submitting a bid amount. Contact Jeff Bertsch (949-453-5496, bertschj@irwd.com) for Technical questions regarding the RFP. Bid opportunity by invitation only. Proposals from non-invited suppliers will not be accepted.

## Bid Activities

Date	Name	Description
6/9/2014 4:00:00 PM	DEADLINE FOR QUESTIONS	All questions regarding this bid are to be submitted to bertschj@irwd by 4pm on Monday, June 9, 2014.
6/18/2014 2:00:00 PM	ON LINE PROPOSALS DUE	On line lump sum bid must be entered by 2pm on Wednesday June 18th 2014 or be considered a "No Bid"
6/18/2014 3:00:00 PM	5 HARD COPY PROPOSALS DUE	Five(5) Hard copies of your proposal must be delivered to the IRWD Purchasing Office at 3512 Michelson Drive, Irvine CA 92612 no later than 3pm on Wednesday June 18th 2014 or be considered a "No Bid"

## Bid Messages

## Bid Attachments

The following attachments are associated with this opportunity and will need to be retrieved separately

Line	Filename	Description
Header	Professional Services Agreement wo Sample.pdf	Sample Agreement for review. Only Awarded Bidder will be required to submit a signed agreement post award.

Header insreq121510.pdf

Insurance Requirements. Only Awarded Bidder will be required to submit a certificate of insurance post award.

Header RFP - SSO v2b.docx

RFP for professional services for identity and password management

---

### Bid Attributes

Please review the following and respond where necessary

#	Name	Note	Response
1	REQUEST FOR PROPOSAL	Acknowledge reading and understanding the Request for Proposal attached in this on line bid and commit to meet the requirements therein including but not limited to providing a budget for completion of project tasks as set forth in the "Scope of Work" and include recommendations as required in the "Proposal Contents" in by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
2	PROPOSAL REVIEW	Acknowledge reading and understanding the proposal including but not limited to the sections entitled "PROPOSAL EVALUATION PROCESS" and "PROPOSAL SUBMISSIONS" in the RFP and that low bid is not the sole qualifying criteria for award of contract also that the bid review process may take up to 90 days to complete by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
3	QUESTION SUBMITTAL DEADLINE	Acknowledge understanding that all questions regarding this bid are to be submitted to blaska@irwd.com by 4pm on Monday, June 9, 2014 by clicking in the checkbox indicating "Yes".	<u>Acknowledged</u> (Required)
4	BID SUBMITTAL REQUIREMENTS	Acknowledge understanding that, in addition to submitting your on line lump sum bid by 2pm on Wednesday, June 18, 2014, five(5) Hard copies of your proposal must be delivered to the IRWD Purchasing Office at 3512 Michelson Drive, Irvine CA 92612 no later than 3pm on Wednesday, June 18, 2014 by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
5	SUBMITTING A "NO BID" RESPONSE	Acknowledge understanding that bidders deciding not to participate in this bid opportunity will submit a "No Bid" response to IRWD Purchasing by either selecting "No Bid" in the on line bid system or by email to pio@irwd.com by 2pm on Wednesday, June 18, 2014 by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
6	PROFESSIONAL SERVICES AGREEMENT	Acknowledge understanding that a signed Professional Services Agreement (sample attached in this on line bid) will be required from the awarded supplier by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
7	CERTIFICATE OF INSURANCE	Acknowledge understanding that a Certificate of Insurance per the requirements in the Professional Services Agreement (sample attached in this on line bid) will be required from the awarded supplier by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)

---

Line Items

#	Qty	UOM	Description	Response
1	1	EA	Lump Sum On Line Bid Amount for Identity and Password Management Software and Consulting Services. Hard Copy submittal also required per On Line Bid Instructions.	<u>\$61,797.50</u>
Supplier Notes:		Proposals consists of 276 mhrs & software of \$10,797.50 = Total \$61,797.50.		

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# Optional Full IDM Sync with SSO and Access Management

This Section describes the Optional Full Identity Management with Password and Account sync.

## Features

In addition to the high-level requirements described, the other specific features included are:

- Single Sign On to all listed applications with automatic management of application passwords by the SSO solution. SSO is accomplished using the NetIQ SecureLogin solution.
- Self Service Password Reset automation to reduce Help Desk demands
- User account password sync with Oracle E-Business Suite
- User password sync automatically after sign on with changes maintained by the SSO
- Knowledge transfer and training will be provided for Network Administrators during the project with shadowing and mentoring

## Optional Full IDM Sync Solution Add-in

- Full Identity Management solution utilizing NetIQ Identity Manager (IDM) with all necessary Integration Modules for Databases, Oracle Enterprise (E-Business Suite), and Tools.
- Reporting and Auditing of all user activity both authorized and unauthorized attempts for compliance and risk management
- Full user provisioning and de-provisioning solution adding a high level of security management for enterprise data for all named applications
- Optional Full IDM Sync can be done together with the SSO solution or performed later as budgets permit

All work will be provided by senior engineer(s) experienced in both IDM solutions and the Oracle E-Business Suite integration. A List of reference accounts is provided with this submission.

GDS2-IDMWORKS Project for SSO\_Full Password Sync with SSPR for Irvine Ranch Water District Option 2

ID	Task Name	Duration	Start	Finish	Jun 29, '14		Jul 6, '14		Jul 13, '14		Jul 20, '14		Jul					
					S	M	W	F	S	T	T	S	M	W	F	S	T	T
1	<b>Requirements and Design Phase</b>	<b>7.5 days</b>	<b>Tue 7/1/14</b>	<b>Thu 7/10/14</b>														
2	Kickoff	0.5 days	Tue 7/1/14	Tue 7/1/14														
3	Requirements	4.5 days	Tue 7/1/14	Mon 7/7/14														
4	Design Document and Presentation	2.5 days	Tue 7/8/14	Thu 7/10/14														
5																		
6	<b>Build and Test Phase</b>	<b>65 days</b>	<b>Tue 7/15/14</b>	<b>Tue 10/14/14</b>														
7	<b>Build</b>	<b>55 days</b>	<b>Tue 7/15/14</b>	<b>Tue 9/30/14</b>														
8	<b>Identity Manager Install (Password Sync)</b>	<b>39 days</b>	<b>Tue 7/15/14</b>	<b>Mon 9/8/14</b>														
9	Install Identity Manager	1 day	Tue 7/15/14	Wed 7/16/14														
10	Create Identity Vault	0.5 days	Wed 7/16/14	Wed 7/16/14														
11	Configure Driver for eDirectory	2.5 days	Thu 7/17/14	Mon 7/21/14														
12	<b>Configure Drivers for Databases</b>	<b>25 days</b>	<b>Mon 7/21/14</b>	<b>Mon 8/25/14</b>														
13	Oracle EBS	5 days	Mon 7/21/14	Mon 7/28/14														
14	Tabware	5 days	Mon 7/28/14	Mon 8/4/14														
15	LIMS	5 days	Mon 8/4/14	Mon 8/11/14														
16	Map Library	5 days	Mon 8/11/14	Mon 8/18/14														
17	Maplett	5 days	Mon 8/18/14	Mon 8/25/14														
18	<b>SOAP/Delimited Text drivers for Cloud Apps</b>	<b>10 days</b>	<b>Mon 8/25/14</b>	<b>Mon 9/8/14</b>														
19	Edgewise	5 days	Mon 8/25/14	Mon 9/1/14														
20	Webdocs	5 days	Mon 9/1/14	Mon 9/8/14														
21	<b>SSPR Install (Self Service Password Reset)</b>	<b>1 day</b>	<b>Mon 9/8/14</b>	<b>Tue 9/9/14</b>														
22	Install SSPR	0.5 days	Mon 9/8/14	Mon 9/8/14														
23	Configure SSPR	0.5 days	Tue 9/9/14	Tue 9/9/14														
24	<b>SecureLogin</b>	<b>15 days</b>	<b>Tue 9/9/14</b>	<b>Tue 9/30/14</b>														
25	Install	1 day	Tue 9/9/14	Wed 9/10/14														
26	Configure Apps	14 days	Wed 9/10/14	Tue 9/30/14														
27	<b>Test Phase</b>	<b>10 days</b>	<b>Tue 9/30/14</b>	<b>Tue 10/14/14</b>														
28	Test/Remediate IDM Use Cases	4 days	Tue 9/30/14	Mon 10/6/14														
29	Test/Remediate SSPR Use Cases	1 day	Mon 10/6/14	Tue 10/7/14														
30	Test SecureLogin	5 days	Tue 10/7/14	Tue 10/14/14														
31																		
32	<b>Production Deployment and Documentation</b>	<b>7.5 days</b>	<b>Tue 10/21/14</b>	<b>Thu 10/30/14</b>														

B-22

Project: Project IRWD SSO-SSPR Date: Fri 6/13/14	Task		Milestone		External Tasks	
	Split		Summary		External Milestone	
	Progress		Project Summary		Deadline	

GDS2-IDMWORKS Project for SSO\_Full Password Sync with SSPR for Irvine Ranch Water District Option 2

ID	Task Name	Duration	Start	Finish	Jun 29, '14		Jul 6, '14		Jul 13, '14		Jul 20, '14		Jul	
					S	M	W	F	S	T	T	S	M	W
33	Deploy Solution to Production	5 days	Tue 10/21/14	Tue 10/28/14										
34	As-delivered Documentation	2.5 days	Tue 10/28/14	Thu 10/30/14										




Total Professional Services 640 mhrs

B-23

Project: Project IRWD SSO-SSPR  
Date: Fri 6/13/14

- Task 
- Split 
- Progress 

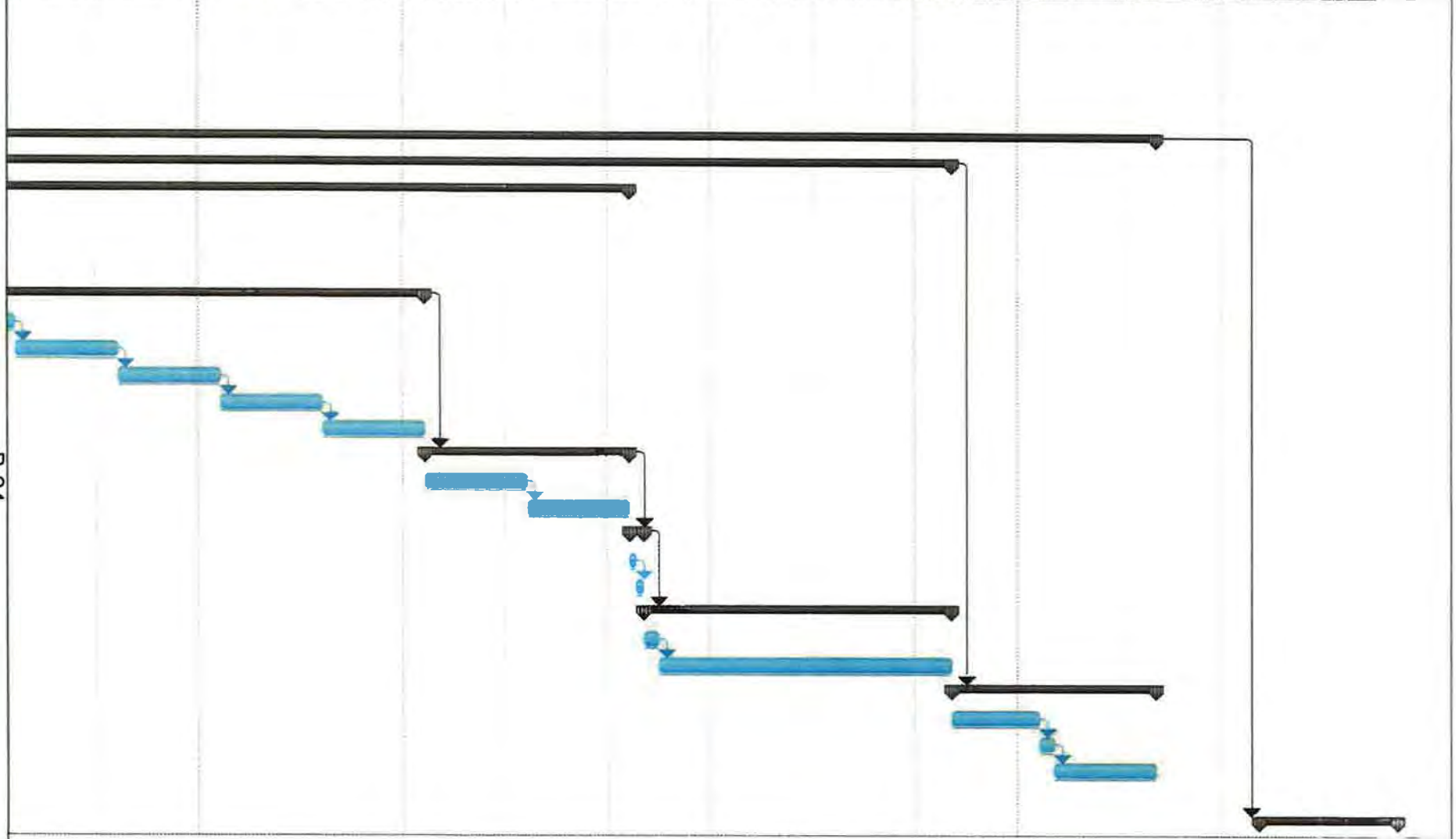
- Milestone 
- Summary 
- Project Summary 

- External Tasks 
- External Milestone 
- Deadline 

GDS2-IDMWORKS Project for SSO\_Full Password Sync with SSPR for Irvine Ranch Water District Option 2

Jul 27, '14	Aug 3, '14	Aug 10, '14	Aug 17, '14	Aug 24, '14	Aug 31, '14	Sep 7, '14	Sep 14, '14	Sep 21, '14	Sep 28, '14	Oct 5, '14	Oct 12, '14	Oct 19, '14	Oct 26, '14	N						
M	W	F	S	T	T	S	M	W	F	S	T	T	S	M	W	F	S	T	T	S

B-24



Project: Project IRWD SSO-SSPR  
Date: Fri 6/13/14

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

GDS2-IDMWORKS Project for SSO\_Full Password Sync with SSPR for Irvine Ranch Water District Option 2

Jul 27, '14	Aug 3, '14	Aug 10, '14	Aug 17, '14	Aug 24, '14	Aug 31, '14	Sep 7, '14	Sep 14, '14	Sep 21, '14	Sep 28, '14	Oct 5, '14	Oct 12, '14	Oct 19, '14	Oct 26, '14	N						
M	W	F	S	T	T	S	M	W	F	S	T	T	S	M	W	F	S	T	T	S



B-25

Project: Project IRWD SSO-SSPR  
Date: Fri 6/13/14

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	



GDS2, Inc.  
 10755 Scripps Poway Pkwy, Suite. 371  
 San Diego, CA 92131  
 Phone:(949) 679-7969  
 FAX (810) 396-6326  
 Bill To:  
 Irvine Ranch Water District  
 15600 Sand Canyon Ave.  
 Irvine, CA 92612  
 (949) 453-5496

**Quotation to**

**Irvine Ranch Water District**

**Single Sign-On and Password Sync Software**

Date: 6/17/2014  
 Quotation #: GDS 41807  
 Valid Until: 9/5/2014  
 Prepared By: Russ Reeder  
 Vice President  
 rreeder@gds2.com

Description	Product Number	Quantity	MSRP	Discount Price	Extended	
SecureLogin 7.0 1-User License + 1-Year Priority Maintenance	877-006421-MLA	350	\$44.00	\$28.80	\$10,078.43	
Novell Identity Manager 4.0 Standard Edition 1-User License + 1-Year Priority Maintenance	879-001549-MLA	350	\$37.00	\$24.22	\$8,476.65	
Novell Identity Manager Integration Module 4.0 for Database 1-User License + 1-Year Priority Maintenance	879-001266-MLA	350	\$10.00	\$6.55	\$2,291.63	
Novell Identity Manager Integration Module 4.0 for Tools 1-User License + 1-Year Priority Maintenance	879-001336-MLA	350	\$12.00	\$7.86	\$2,749.95	
NetIQ Identity Manager Integration Module 4.0 for Oracle Enterprise 1-User License + 1-Year Priority Maintenance	879-002142-MLA	350	\$10.00	\$6.55	\$2,291.63	
<b>Support &amp; Professional Services</b>						
					<b>*Subtotal</b>	<b>\$25,888.28</b>
MSRP \$39,550.00 Your Price <b>\$25,888.28</b> Discount Savings \$13,661.73					<b>Grand Total</b> \$25,888.28	
Additional Comments / Instructions					Estimated Shipping and	
					*Plus applicable taxes	

This quote was prepared for:  
**Jeff Bertsch**  
 Sr. Systems Administrator

Authorized Signature: \_\_\_\_\_

Name / Title

Date

# IRWD Procurement

## Bid Information

Bid Owner Ms. Chris Pio Buyer  
Email pio@irwd.com  
Phone 949 (453) 5713  
Fax 888 (698) 3844

Bid Number cp060214  
Title Intranet Identity and Password Management  
Bid Type Sealed Bid  
Issue Date 06/02/2014  
Close Date 6/18/2014 2:00:00 PM

## Contact Information

Address 3512 Michelson Drive  
Irvine, CA 92612

Contact Ms. Chris Pio Buyer  
Department  
Building  
Floor/Room  
Telephone 949 (453) 5713  
Fax 888 (698) 3844  
Email pio@irwd.com

## Ship to Information

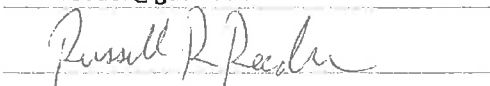
Address 3512 Michelson Drive  
Receiving  
Irvine, CA 92612

Contact Scott Nomura  
Department Purchasing  
Building Warehouse  
Floor/Room  
Telephone (949) 453-5716  
Fax  
Email nomura@irwd.com

## Supplier Information

Company Name GDS2, Incorporated  
Contact Name Russ Reeder  
Address 10755 Scripps Poway Parkway  
#371  
San Diego, CA 92131  
Telephone (949) 679-7969  
Fax (810) 396-6326  
Email rreeder@gds2.com

## Signature



## Supplier Notes

GDS2, Inc. and IDMWORCS are submitting this response as prime and sub-contractor JV.

GDS2, Inc. is a California Certified Small Business documents are attached to this submittal.

Date 06 / 18 / 2014

## Bid Notes

Contact Audrey Wells (949-453-5899, wellsa@irwd.com) for online bid system assistance, opening files or submitting a bid amount. Contact Jeff Bertsch (949-453-5496, bertschj@irwd.com) for Technical questions regarding the RFP. Bid opportunity by invitation only. Proposals from non-invited suppliers will not be accepted.

## Bid Activities

Date	Name	Description
6/9/2014 4:00:00 PM	DEADLINE FOR QUESTIONS	All questions regarding this bid are to be submitted to bertschj@irwd by 4pm on Monday, June 9, 2014.
6/18/2014 2:00:00 PM	ON LINE PROPOSALS DUE	On line lump sum bid must be entered by 2pm on Wednesday June 18th 2014 or be considered a "No Bid"
6/18/2014 3:00:00 PM	5 HARD COPY PROPOSALS DUE	Five(5) Hard copies of your proposal must be delivered to the IRWD Purchasing Office at 3512 Michelson Drive, Irvine CA 92612 no later than 3pm on Wednesday June 18th 2014 or be considered a "No Bid"

## Bid Messages

## Bid Attachments

The following attachments are associated with this opportunity and will need to be retrieved separately

Line	Filename	Description
Header	Professional Services Agreement wo Sample.pdf	Sample Agreement for review. Only Awarded Bidder will be required to submit a signed agreement post award.

Header insreq121510.pdf

Insurance Requirements. Only Awarded Bidder will be required to submit a certificate of insurance post award.

Header RFP - SSO v2b.docx

RFP for professional services for identity and password management

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### Bid Attributes

Please review the following and respond where necessary

#	Name	Note	Response
1	REQUEST FOR PROPOSAL	Acknowledge reading and understanding the Request for Proposal attached in this on line bid and commit to meet the requirements therein including but not limited to providing a budget for completion of project tasks as set forth in the "Scope of Work" and include recommendations as required in the "Proposal Contents" in by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
2	PROPOSAL REVIEW	Acknowledge reading and understanding the proposal including but not limited to the sections entitled "PROPOSAL EVALUATION PROCESS" and "PROPOSAL SUBMISSIONS" in the RFP and that low bid is not the sole qualifying criteria for award of contract also that the bid review process may take up to 90 days to complete by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
3	QUESTION SUBMITTAL DEADLINE	Acknowledge understanding that all questions regarding this bid are to be submitted to blaska@irwd.com by 4pm on Monday, June 9, 2014 by clicking in the checkbox indicating "Yes".	<u>Acknowledged</u> (Required)
4	BID SUBMITTAL REQUIREMENTS	Acknowledge understanding that, in addition to submitting your on line lump sum bid by 2pm on Wednesday, June 18, 2014, five(5) Hard copies of your proposal must be delivered to the IRWD Purchasing Office at 3512 Michelson Drive, Irvine CA 92612 no later than 3pm on Wednesday, June 18, 2014 by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
5	SUBMITTING A "NO BID" RESPONSE	Acknowledge understanding that bidders deciding not to participate in this bid opportunity will submit a "No Bid" response to IRWD Purchasing by either selecting "No Bid" in the on line bid system or by email to pio@irwd.com by 2pm on Wednesday, June 18, 2014 by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
6	PROFESSIONAL SERVICES AGREEMENT	Acknowledge understanding that a signed Professional Services Agreement (sample attached in this on line bid) will be required from the awarded supplier by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)
7	CERTIFICATE OF INSURANCE	Acknowledge understanding that a Certificate of Insurance per the requirements in the Professional Services Agreement (sample attached in this on line bid) will be required from the awarded supplier by clicking in the checkbox indicating "Yes"	<u>Acknowledged</u> (Required)



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Line Items

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#	Qty	UOM	Description	Response
1	1	EA	Lump Sum On Line Bid Amount for Identity and Password Management Software and Consulting Services. Hard Copy submittal also required per On Line Bid Instructions.	\$ <u>144,288.00</u>

Supplier Notes: Proposal consists of 640 mhrs & all software of \$25,888.28 = Total \$144,288.00

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August 11, 2014

Prepared by: H. Cho/M. Cortez

Submitted by: K. Burton

Approved by: Paul Cook



## ACTION CALENDAR

### 2014 SEWER REHABILITATION CONSTRUCTION AWARD

#### SUMMARY:

The 2014 Sewer Rehabilitation project will rehabilitate 15 sewer reaches in the cities of Irvine, Lake Forest, and Newport Beach that are cracked or corroded and need repair. Staff recommends that the Board:

- Approve an Expenditure Authorization in the amount of \$280,500 for Project 21166; and
- Authorize the General Manager to execute a construction contract with Sancon Engineering, Inc. in the amount of \$143,661.25 for the 2014 Sewer Rehabilitation, Project 21166.

#### BACKGROUND:

Periodic closed-circuit television sewer inspection indicated that 73 sewer reaches throughout the District were cracked or corroded and require repair or rehabilitation. Over the past year staff has repaired 58 of these sewer reaches. Fifteen reaches were not repaired due to their depth and restrictive location in yards between homes and in major arterial streets. These defects are not acutely critical at this time, but need to be addressed before further deterioration results in a failure of the sewer. A project location map is attached as Exhibit "A".

#### Contractor Selection Process:

In February 2014, IRWD retained Kleinfelder to provide design services for the project. Due to the location of these sewers, the rehabilitation method was determined to be Cured-in-Place-Pipe (CIPP). Kleinfelder completed the design in June 2014 and the project was advertised for construction to a select list of six CIPP contractors. The bid opening was held on July 22, 2014, and bids were received from Insituform Technologies, Sancon Engineering, and Southwest Pipeline. The apparent low bidder is Sancon with a bid of \$143,661.25. The engineer's estimate was \$322,132; the bid summary is attached as Exhibit "B".

All three construction bids were well below the engineer's estimate. The primary reason was the difference in the cost of the CIPP installation. The engineer's estimate used a conservative unit cost for the CIPP installation per linear foot, with consideration of the relatively small quantity of sewer to be rehabilitated. The three contractors' unit prices for the CIPP installation were comparable to much larger projects such as the Lake Forest Woods Sewer Rehabilitation Project, which was completed in 2011. Sancon has completed many CIPP projects in Southern California and has successfully completed manhole lining projects for IRWD in the past.

FISCAL IMPACTS:

Project 21166 (5098) is included in the FY 2014-15 Capital Budget. Staff requests approval of an Expenditure Authorization as shown in the table below and in Exhibit "C".

Project No.	Current Budget	Addition <Reduction>	Total Budget	Existing EA	This EA Request	Total EA Request
21166 (5098)	\$348,700	\$-0-	\$348,700	\$68,200	\$280,500	\$348,700

ENVIRONMENTAL COMPLIANCE:

This project is exempt from the California Environmental Quality Act (CEQA) as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15301(B), which provides exemption for minor alterations of existing public or private structures, facilities, used to provide electric power, natural gas, sewerage or other public utility services. A Notice of Exemption for the project was filed with the County of Orange on June 3, 2014.

COMMITTEE STATUS:

Construction awards are not routinely taken to Committee prior to submittal for Board approval.

RECOMMENDATION:

THAT THE BOARD APPROVE AN EXPENDITURE AUTHORIZATION IN THE AMOUNT OF \$280,500 FOR PROJECT 21166 (5098), AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH SANCON ENGINEERING, INC. IN THE AMOUNT OF \$143,661.25 FOR THE 2014 SEWER REHABILITATION, PROJECT 21166 (5098).

LIST OF EXHIBITS:

- Exhibit "A" – Location Map
- Exhibit "B" – Bid Summary
- Exhibit "C" – Expenditure Authorization

Exhibit A  
2014 Sewer Rehabilitation Site Locations



Bid Opening: Tuesday, July 22, 2014  
at 2:00 p.m.

Irvine Ranch Water District Bid Summary For  
2014 Sewer Rehabilitation  
PR 21166 (5098)

**EXHIBIT "B"**

Entered By: J.K. Irey/Toni Lynch

Item No.	Description	Qty	Unit	Engineer's Estimate		1		2		3	
				Unit	Total	Sancon Engineering, Inc.		Instituform Tech.		Southwest Pipeline	
				Price	Amount	Huntington Beach, CA		Chesterfield, MO		Torrance, CA	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total
				Price	Amount	Price	Amount	Price	Amount	Price	Amount
1	Audio-Video Documentation of Existing Conditions	1	LS	\$3,300.00	\$3,300.00	\$100.00	\$100.00	\$1,020.00	\$1,020.00	\$500.00	\$500.00
2	Mobilization	1	LS	\$16,500.00	\$16,500.00	\$500.00	\$500.00	\$7,950.00	\$7,950.00	\$2,500.00	\$2,500.00
3	Spill Containment Plan and Controls for Environmental Protection	1	LS	\$3,300.00	\$3,300.00	\$500.00	\$500.00	\$2,870.00	\$2,870.00	\$1,000.00	\$1,000.00
4	Temporary Bypass Pumping and Site Restoration	1	LS	\$8,800.00	\$8,800.00	\$1,750.00	\$1,750.00	\$17,020.00	\$17,020.00	\$50,000.00	\$50,000.00
5	Heavy Pre-Lining Cleaning and CCTV Inspection Including Disposal of Waste	3,928	LF	\$3.00	\$11,784.00	\$1.00	\$3,928.00	\$1.60	\$6,284.80	\$3.00	\$11,784.00
6	Mechanical Root-Treatment of Sewer	2,817	LF	\$6.00	\$16,902.00	\$1.00	\$2,817.00	\$3.20	\$9,014.40	\$3.00	\$8,451.00
7	Grout-In-Place Pipe Rehabilitation	2	LS	\$5,500.00	\$11,000.00	\$2,750.00	\$5,500.00	\$5,450.00	\$10,900.00	\$5,000.00	\$10,000.00
8	8-Inch Diameter Cured-in-Place Pipe Rehabilitation	1,627	LF	\$46.00	\$74,842.00	\$32.50	\$52,877.50	\$30.80	\$50,111.60	\$37.00	\$60,199.00
9	10-inch Diameter Cured-in-Place Pipe Rehabilitation	888	LF	\$61.00	\$54,168.00	\$23.00	\$20,424.00	\$31.00	\$27,528.00	\$41.00	\$36,408.00
10	12-inch Diameter Cured-in-Place Pipe Rehabilitation	1,413	LS	\$72.00	\$101,736.00	\$35.75	\$50,514.75	\$43.50	\$61,465.50	\$49.00	\$69,237.00
11	Health and Safety	1	LS	\$2,200.00	\$2,200.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
12	Encorachment Permit Fees	1	LS	\$5,500.00	\$5,500.00	\$3,500.00	\$3,500.00	\$850.00	\$850.00	\$3,500.00	\$3,500.00
13	Record Drawings	1	LS	\$2,200.00	\$2,200.00	\$250.00	\$250.00	\$600.00	\$600.00	\$100.00	\$100.00
14	Demobilization and Final Cleanup	1	LS	\$9,900.00	\$9,900.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$500.00	\$500.00
	Subtotal				\$322,132.00		\$143,661.25		\$198,114.30		\$254,679.00
	Adjustment (+ or - )				\$0.00		\$0.00		\$0.00		\$0.00
	<b>TOTAL AMOUNT OF BID</b>				\$322,132.00		\$143,661.25		\$198,114.30		\$254,679.00
A-1	Alternative Item: Builder's "All-Risk"				\$0.00		\$0.00		\$0.00		\$0.00
	Sub-Total, Bid Items 1 thru 19 + A1				\$322,132.00		\$143,661.25		\$198,114.30		\$254,679.00
	Adjustment (+ or - )				\$0.00		\$0.00		\$0.00		\$0.00
	<b>Total Amount of Bid</b>				\$322,132.00		\$143,661.25		\$198,114.30		\$254,679.00
							<b>Item Delivery Dates:</b>		<b>Item Delivery Dates:</b>		<b>Item Delivery Dates:</b>
							CIPP: 15 Days		Insitu Tube (CIPP): 30 Days		CIPP Liner 8", 10" and 12" Dia:
							Link Pipe: 10 Days				30 Days
							<b>Manufacturers:</b>		<b>Manufacturers:</b>		<b>Manufacturers:</b>
							CIPP: Sancon		Instituform Tech., LLC		Nation Liner
							Grouting Sleeve: Link Pipe				
							<b>Subcontractors:</b>		<b>Subcontractors:</b>		<b>Subcontractors:</b>
							None Listed		Houston & Harris		Sancon Engineering
									Clean & CCTV		Bid Item Number 7

# IRVINE RANCH WATER DISTRICT

## Expenditure Authorization

# EXHIBIT "C"

**Project Name:** 2014 SEWER REHABILITATION  
**EPMS Project No:** 21166 **EA No:** 2  
**Oracle Project No:** 5098  
**Project Manager:** CORTEZ, MALCOLM  
**Project Engineer:** CHO, HARRY  
**Request Date:** July 23, 2014

**ID Split:** Miscellaneous

### Improvement District (ID) Allocations

ID No.	Allocation %	Source of Funds
210	100.0	REPLACEMENT FUND**
<b>Total</b>	<b>100.0%</b>	

### Summary of Direct Cost Authorizations

Previously Approved EA Requests:	\$68,200
This Request:	\$280,500
<b>Total EA Requests:</b>	<b>\$348,700</b>
Previously Approved Budget:	\$348,700
Budget Adjustment Requested this EA:	\$0
<b>Updated Budget:</b>	<b>\$348,700</b>
<b>Budget Remaining After This EA</b>	<b>\$0</b>

Comments:

Phase	This EA Request	Previous EA Requests	EA Requests to Date	This Budget Request	Previous Budget	Updated Budget	Start	Finish
ENGINEERING DESIGN - IRWD	10,000	15,000	25,000	10,000	15,000	25,000	2/14	7/14
ENGINEERING DESIGN - OUTSIDE	25,000	40,000	65,000	25,000	40,000	65,000	2/14	7/14
DESIGN STAFF FIELD SUPPORT	0	5,000	5,000	0	5,000	5,000	2/14	7/14
ENGINEERING - CA&I IRWD	25,000	0	25,000	0	25,000	25,000	8/14	11/14
ENGINEERING - CA&I OUTSIDE	25,000	0	25,000	0	25,000	25,000	8/14	11/14
CONSTRUCTION FIELD SUPPORT	5,000	0	5,000	0	5,000	5,000	8/14	11/14
CONSTRUCTION	165,000	0	165,000	(35,000)	200,000	165,000	8/14	11/14
LEGAL	0	2,000	2,000	0	2,000	2,000	2/14	11/14
Contingency - 10.00% Subtotal	\$25,500	\$6,200	\$31,700	\$0	\$31,700	\$31,700		
<b>Subtotal (Direct Costs)</b>	<b>\$280,500</b>	<b>\$68,200</b>	<b>\$348,700</b>	<b>\$0</b>	<b>\$348,700</b>	<b>\$348,700</b>		
Estimated G/A - 185.00% of direct labor*	\$77,200	\$34,000	\$111,200	\$18,500	\$92,700	\$111,200		
<b>Total</b>	<b>\$357,700</b>	<b>\$102,200</b>	<b>\$459,900</b>	<b>\$18,500</b>	<b>\$441,400</b>	<b>\$459,900</b>		
<b>Direct Labor</b>	<b>\$40,000</b>	<b>\$20,000</b>	<b>\$60,000</b>	<b>\$10,000</b>	<b>\$50,000</b>	<b>\$60,000</b>		

\*EA includes estimated G&A. Actual G&A will be applied based on the current ratio of direct labor to general and administrative costs.

EA Originator:

*Hyun Cho*

7/24/14

Department Director:

*Ken Z. Burt*

7/25/14

Finance:

Board/General Manager:

\*\* IRWD hereby declares that it reasonably expects those expenditures marked with two asterisks to be reimbursed with proceeds of future debt to be incurred by IRWD in a maximum principal amount of \$470,000. The above-captioned project is further described in the attached staff report and additional documents, if any, which are hereby incorporated by reference. This declaration of official intent to reimburse costs of the above-captioned project is made under Treasury Regulation Section 1.150-2.

August 11, 2014

Prepared by: C. Compton

Submitted by: P. Weghorst *pmw*

Approved by: Paul Cook *Paul Cook*

**ACTION CALENDAR:**

**2014 STATE LEGISLATIVE UPDATE**

**SUMMARY:**

This report provides an update on the 2014 legislative session and IRWD priorities. As legislation develops, staff will provide updates and recommendations to the Board, as appropriate. Staff recommends that the Board consider the following actions/positions:

Sustainable Groundwater Management Legislation – Change IRWD’s position from “SEEK AMENDMENTS” to “SUPPORT IF AMENDED” on SB 1168 (Pavley) and AB 1739 (Dickinson) , and authorize staff, with concurrence of the Board President, to move to a “SUPPORT” position if the bill is amended to address the District’s concerns.

**BACKGROUND:**

The California State Assembly and Senate returned from summer recess on August 4, 2014. With less than a month left in the 2013-2014 Regular Legislative Session, fiscal committees have until August 15 to meet and report bills to the floor. The last day for each house to pass bills in this year is August 31, which is the day the final legislative recess begins. The Governor has until September 30 to sign or veto legislation passed by the Legislature this session. The 2015-2016 Regular Legislative Session will begin December 1, 2014.

A copy of the 2014 State Legislative Matrix is attached as Exhibit “A”.

**State Budget:**

*June’s Revenue Numbers:*

On July 10, 2014, State Controller John Chiang released his monthly report on the State’s finances. He announced that the State took in \$14.8 billion during the month of June. This amount was \$304 million, or 2.1 percent above budget. He also announced that for the 2013-2014 fiscal year, revenues came in at \$2.1 billion, or 2.1 percent, higher than anticipated in the Governor’s budget.

The State Controller’s monthly report also stated that “the General Fund had \$1.9 billion in cash on June 30, marking the first time it has ended the fiscal year in the black since 2007, when it ended the year with \$2.5 billion in the bank.” A positive cash balance means that the state had funds available to meet its obligations without having to borrow either from the market or from internal funds.

IRWD 2014 Legislative Priorities:

*2014 Water Bond:*

While some discussion on the water bond took place over the legislative recess, negotiations began picking up again upon the Legislature's return. Before the recess, the Assembly was preparing to amend AB 2686, the bond proposal authored by Assemblymember Henry Perea (D, Fresno), from a bond of an unspecified amount of at least \$10.25 billion down to an \$8.25 billion bond. Those amendments were not put in print due to continued discussion in the Assembly on the bond's Delta ecosystem restoration funding. Before the recess, Senator Lois Wolk (D, Vacaville) also amended SB 848 on July 3 from a \$10.5 billion bond down to a \$7.5 billion bond, and Governor Brown released his preferred \$6 billion bond proposal. A summary comparison of these bond proposals is attached as Exhibit "B".

Of late, Senator Wolk has been quoted as saying that the Senate and Assembly have until August 14 to replace the current \$11.14 billion water bond, which is Proposition 43 on the November 2014 ballot, with a new bond. If that does not occur, Senator Wolk has stated that she will seek a delay in the \$11.14 billion bond to the 2016 election.

On August 5, Governor Brown released a public letter on his position on the water bond. The letter, among other things, stated:

"Five years ago, state legislators and the Governor put a pork-laden water bond on the ballot — with a price tag beyond what's reasonable or affordable. The cost to taxpayers would be enormous — \$750 million a year for 30 years — and would come at the expense of funding for schools, health care and public safety. This is on top of the nearly \$8 billion a year the state already spends on bond debt service.

Since being elected governor, I've worked with the Legislature to reduce the state's fiscal liabilities. Together, we've made steady progress paying down debt and enacting responsible, balanced budgets and it is no time to turn back now. Therefore, I'm proposing a no-frills, no-pork water bond that invests in the **MOST CRITICAL PROJECTS** without breaking the bank.

My \$6 billion plan provides for water use efficiency and recycling, effective groundwater management and added storage."

IRWD has continued to engage with members of the Assembly and State Senate and with IRWD's association and industry partners on the water bond to ensure that the adopted bond reformulation is beneficial for the state and the District. Staff will provide the Board with an update on the latest developments.



Updates on Legislation of Interest to IRWD:

*AB 52 (Gatto, D-Los Angeles): Tribal Cultural Resources:*

AB 52 would mandate consultation with Native American Tribes at various stages of CEQA review and prescribe CEQA processes related to the treatment of tribal cultural resources. The bill was amended on July 2, 2014, in an attempt to address some of the concerns raised by opposition to the bill. Despite these amendments, most of the opposition remains opposed to the bill. The bill was set for hearing in Senate Appropriations on August 4. The bill was placed on the Appropriations Suspense File. Staff will provide an oral update to the Board on any new developments.

*AB 2100 (Campos, D-San Jose): Common Interest Developments: Yard Maintenance: Fines:*

The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments (HOA). AB 2100 proposed to prohibit an HOA from imposing a fine or assessment against homeowners for reducing or eliminating watering, or vegetation or lawns, during any period for which the Governor has declared a state of emergency, or a local government has declared a local emergency, due to drought. AB 2100 was signed by the Governor and chaptered into law on July 21. The bill contained an urgency clause and is now in effect.

*AB 2104 (Gonzalez, D-San Diego): Common Interest Developments: Water-Efficient Landscapes*

The Davis-Stirling Common Interest Development Act provides that any provision of an HOA's governing documents is void and unenforceable if it prohibits, or has the effect of prohibiting, the use of low water-using plants as a group or compliance with a local water-efficient landscape ordinance or water conservation measure. AB 2104, as amended, would extend this statute to provide that any provision of an HOA's governing documents is void and unenforceable if it prohibits, or has the effect of prohibiting, the replacement of existing turf. AB 2104 is currently on Third Reading on the Senate Floor. IRWD currently has a "SUPPORT" position on this bill. Staff will provide an oral update to the Board on any new developments.

*AB 2434 (Gomez, D-Los Angeles): Income Taxes: Exclusion*

AB 2434, as introduced, would have provided an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water or energy agency, or by a supplier, for expenses incurred to participate in a water or energy conservation program. As amended on May 19, the bill would now provide an exclusion from gross income for taxable years 2014 to 2019 for any rebate or other financial incentive issued by a local water agency for participation in a turf removal water conservation program. The bill was set for hearing in Senate Appropriations on August 4. The bill was placed on the Appropriations Suspense File. Staff will provide an oral update to the Board on any new developments. IRWD currently has a "SUPPORT" position on this bill.

*AB 2712 (Daly, D-Anaheim): Orange County Water District*

AB 2712 would require OCWD to take specific actions before undertaking remediation or seeking cost recovery for remediation efforts including to provide notice of its actions to the Regional Water Quality Control Board and the Department of Toxic Substances Control, to meet and confer with any administering agency and responsible parties, and to comply with the requirements of the National Contingency Plan. The bill would also require OCWD to enter into a Memorandum of Understanding with the Department of Toxic Substances Control, the Santa Ana Regional Water Quality Control Board, and the Orange County Health Care Agency to establish a process for reviewing OCWD's proposed groundwater remediation projects. The bill was set for hearing in Senate Appropriations on August 4. The bill was placed on the Appropriations Suspense File. Staff will provide an oral update to the Board on any new developments.

*SB 26 (Correa, D-Santa Ana): Orange County Water District: Land Use*

SB 26, authored by Senator Lou Correa, would have prohibited the Orange County Water District (OCWD) from entering into a real property lease agreement with a non-governmental entity for purposes not useful or necessary to replenish the underground water basin within the district, or to augment and protect the quality of the common water supplies of the district, unless the agreement is approved by the city council in which the real property is located, if the real property is located within a city. SB 26 was amended on June 17, 2014, and would now require OCWD to comply with the Government Code provisions which require districts to comply with building and zoning ordinances; require OCWD to provide a notice of intent to develop real property owned by the district to the city in which the property is located at least 30 days in advance of any action of the board to approve the development; and would require the district to conduct at least one public meeting in a city where a water facility is proposed for development by OCWD but would be exempt from the application of zoning and building ordinances. On June 20, the OCWD Board of Directors took a "WATCH" position on SB 26, as amended. The bill was set for hearing and passed the Assembly Appropriations on August 6. Staff will provide an oral update to the Board on any new developments.

*SB 985 (Pavley, D-Calabasas): Stormwater Resource Planning*

SB 985, introduced by Senator Fran Pavley, would establish requirements for stormwater resource plans, and provide that a stormwater resource plan shall be required to receive grants for stormwater and dry weather runoff capture projects from any bond act approved by the voters after January 1, 2014. The bill would also require the SWRCB to establish a policy by July 1, 2016, to determine compliance with the requirements of SB 985. The bill was set for hearing in Assembly Appropriations on August 6. It was placed on the Appropriations Suspense File.

IRWD has a "SUPPORT IF AMENDED" position on SB 985. On June 12, IRWD wrote to Senator Pavley seeking specific amendments to the bill. Staff has continued to advocate for the amendments proposed by the District. Amendments to SB 985 are still being considered by the author's office. Staff will provide the Board an update on any new developments.

*Sustainable Groundwater Management Legislation:*

The Administration and the Legislature remain interested in pursuing legislation related to sustainable groundwater management in California. Earlier this year, the Administration put forward its proposal for modifying groundwater management, and has reserved SB 868, if it requires a budget trailer bill, to enact its proposal. In the Legislature, Senator Fran Pavley and Assemblymember Roger Dickinson (D-Sacramento) have authored legislation on sustainable groundwater management. Senator Pavley has pursued SB 1168 on behalf of the California Water Foundation. Assemblymember Dickinson has pursued AB 1739 working with the Association of California Water Agencies.

Since neither SB 868, SB 1168 nor AB 1739 were moving forward until after the stakeholder process was concluded, the Board took a “SEEK AMENDMENTS” position on these proposals and authorized staff to seek inclusion of IRWD’s Groundwater Management Policy Principles in any sustainable groundwater management legislation that is put forward as a result of the stakeholder process.

Over the legislative recess, the Administration, Senator Pavley, and Assemblymember Dickinson hosted a series of meetings as part of the “Groundwater Legislation Stakeholder Process on the Sustainable Groundwater Management Bills.” Staff from each author’s office, the Administration, the California Water Foundation and the Association of California Water Agencies (ACWA), collectively known as the “Small Group”, has taken the information provided at the stakeholder meetings and worked to craft language for inclusion in the groundwater management legislation.

Draft language was released by the Small Group on July 29, 2014 for review and comment. The draft language was inserted into both AB 1739 and SB 1168 on August 4. Prior to the language’s release, staff had participated in the stakeholder meetings and held discussions with members of the Administration, Assemblymember Dickinson and Senator Pavley’s staff. Although a number of the issues raised with these members of the Small Group were addressed in the draft language, several provisions of the bill are inconsistent with IRWD’s Groundwater Management Policy Principles. It was recommended that stakeholders submit comments on the draft language by July 31, 2014. IRWD submitted a comment letter on the language.

On August 6, SB 1168 was amended with additional changes. Those same amendments are expected to be placed into AB 1739 as well. A summary of the groundwater legislation and a copy of the SB 1168, as amended on August 6 (which will contain the same language as AB 1739), is attached as Exhibit “C”. A copy of the IRWD’s comment letter on the language is attached as Exhibit “D”.

The Small Group continues to work to refine the draft language. At this time, staff recommends that the Board consider taking a “SUPPORT IF AMENDED” position on SB 1168 and AB 1739, and authorize IRWD, with concurrence of the Board President, to move to a “SUPPORT” position if the bill is amended to address the District’s concerns. Staff will provide the Board with an oral update on any new developments.

### 2015 Legislative Planning

#### *ACWA's Call for Legislative Proposals:*

Each year ACWA's State Legislative Committee solicits legislative proposals from ACWA members which it considers at its Annual Planning Meeting in the fall. The State Legislative Committee evaluates the proposals and determines whether to sponsor or support legislation based on ACWA's Strategic and Business Plan, policy principles and priorities. In order to have a proposal considered, ACWA requires the proposal to be submitted by September 5, 2014. Staff will discuss potential 2015 state legislative priorities for sponsored legislation with the Board.

#### FISCAL IMPACTS:

Not applicable.

#### ENVIRONMENTAL COMPLIANCE:

Not applicable.

#### COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on August 7, 2014.

#### RECOMMENDATION:

THAT THE BOARD CHANGE IRWD'S POSITION FROM "SEEK AMENDMENTS" TO "SUPPORT IF AMENDED" ON SB 1168 (PAVLEY) AND AB 1739 (DICKINSON), AND AUTHORIZE STAFF, WITH CONCURRENCE OF THE BOARD PRESIDENT, TO MOVE TO A "SUPPORT" POSITION IF THE BILL IS AMENDED TO ADDRESS THE DISTRICT'S CONCERNS.

#### LIST OF EXHIBITS:

- Exhibit "A" – 2014 IRWD Legislative Matrix
- Exhibit "B" – Summary of Water Bond Proposals
- Exhibit "C" – Summary of Groundwater Management Legislation and Copy of SB 1168 (Pavley)
- Exhibit "D" – IRWD Comment Letter on the Draft Language for Groundwater Management Legislation

**EXHIBIT "A"**  
**IRWD 2014 LEGISLATIVE MATRIX**  
**Updated July 29, 2014**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
<b><u>AB 25</u></b> Campos (D)	Employment: Social Media		Applies existing law that prohibits a private employer from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media to public employers. Provides that these provisions apply to public employers generally, including charter cities and counties.	09/13/2013 - In SENATE. Held at desk.	
<b><u>AB 52</u></b> Gatto (D)	Native Americans: California Environmental Quality Act		Amends the California Environmental Quality Act. Specifies a project that may cause substantial adverse change in a tribal cultural resource is a project that may have an environmental effect. Requires the lead agency to begin consultation with Native American tribe traditionally and culturally connected with the project's geographic area. Specifies examples of mitigation measures that may be considered to avoid or minimize impacts on resources. Requires providing tribes with lead agencies in their area.	07/02/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 69</u></b> Perea (D)	Global Warming Solutions: Market-Based Compliance		Amends the Global Warming Solutions Act of 2006. Exempts categories of persons or entities that did not have a compliance obligation under the market-based compliance mechanism to achieve greenhouse gas reduction reductions, from being subject to that compliance mechanism for a specified time period. Requires all participating categories of persons or entities to have a compliance obligations beginning on a specified date.	07/03/2014 - Withdrawn from SENATE Committee on AGRICULTURE.;07/03/2014 - Re-referred to SENATE Committee on RULES.	
<b><u>AB 79</u></b> Skinner (D)	Budget Act of 2013		Amends the Budget Act of 2013 by revising items of appropriation and making other changes for the purpose of addressing drought conditions in the State.	03/06/2014 - In SENATE. From third reading. To Inactive File.	
<b><u>AB 80</u></b> Skinner (D)	Drought Relief		Provides provisions regarding drought relief to include fines for violations of permits and licenses issued by the State Water Resources Control Board, the disbursement of disaster assistance, civil fines for the improper water diversion, emergency regulations regarding the diversion of water and the fines for a related infraction	03/06/2014 - In SENATE. From third reading. To Inactive File.	

**IRWD 2014 LEGISLATIVE MATRIX**  
**Updated July 29, 2014**

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			and for groundwater replenishment, rental space for those with economic hardship, the employment training tax, and the providing of funds for water management grants.		
<b>AB 145</b> Perea (D)	State Water Resources Control Board: Drinking Water		Transfers to the State Water Resources Control Board the various duties and responsibilities imposed on the State Department of Public Health by the State Safe Drinking Water Act and the Safe Drinking Water State Revolving Fund Law of 1997. Requires the State Environmental Protection Agency to prepare a project initiation document for the transfer of the state drinking water program from the State Department of Public Health to a Division of Drinking Water Quality.	08/30/2013 - In SENATE Committee on APPROPRIATIONS: Held in committee.	
<b>AB 194</b> Campos (D)	Open Meetings: Actions For Violations		Amends the Ralph M. Brown Act. Requires the agenda for a regular meeting to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public before and during the legislative body's consideration of the item. Prohibits a reduction in the time allocated for public testimony based on the time used for the questioning or interruption of a speaker by the legislative body or its offers or employees, and the speaker's response to same.	07/01/2014 - In SENATE. Read second time and amended. To third reading.	
<b>AB 229</b> Perez J (D)	Infrastructure and Revitalization Financing Districts		Authorizes the creation by a city, county, city and county, and joint powers authority, of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district and the issuance of debt. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.	09/11/2013 - In ASSEMBLY. From Unfinished Business. To Inactive File.	
<b>AB 243</b> Dickinson (D)	Local Government: Infrastructure Financing Districts		Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases if special conditions are met. Authorizes a district to fund various projects, including watershed land used for the collection and treatment of water for urban uses, flood management, open space, habitat restoration and development purposes.	09/11/2013 - In ASSEMBLY. To Inactive File.	
<b>AB 371</b>	Sewage Sludge: Kern County		Requires the State Water Resources Board to require, for pathogens	06/23/2014 - In	

**IRWD 2014 LEGISLATIVE MATRIX**  
**Updated July 29, 2014**

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
Salas (D)			and endotoxins, additional testing on the effects of sewage sludge or other biological solids to occur on properties in Kern County. Authorizes the Board to identify pathogens, endotoxins, and other hazards for testing based on the potential for contamination and potential to adversely affect human health originating from such sludge and solids. Requires the testing of shallow groundwater of a biological solids application site.	SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>AB 436</b> Jones-Sawyer (D)	Inverse Condemnation: Comparative Fault		Applies the doctrine of comparative fault to inverse condemnation actions. Requires a court or arbitrator to reduce the compensation paid to a plaintiff in an inverse condemnation proceeding in direct proportion to his or her percentage of fault, if any, in the damaging of property that constitutes a taking. Provides the circumstances under which the plaintiff shall not recover his or her postoffer costs and shall pay the defendant's postoffer costs, including expert witness costs.	07/02/2013 - In SENATE Committee on JUDICIARY: Not heard.	
<b>AB 515</b> Dickinson (D)	State Environmental Quality Act: Writ of Mandate		Amends the State Environmental Quality Act that requires a court, if it finds that a public agency has violated the requirements of the Act, to issue an order, in the form of a peremptory writ of mandate. Authorizes the court to require the public agency to prepare and file an initial return of the writ and to issue a determination if the actions taken are adequate to comply with the peremptory writ of mandate within a specified time period of the filing of the return.	06/05/2014 - From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.;06/05/2014 - In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.	
<b>AB 543</b> Campos (D)	California Environmental Quality Act: Translation	Oppose	Requires Office of Planning and Research to prepare and develop recommended amendments to the California Environmental Quality Act and the Secretary of the Natural Resources Agency to certify and adopt those amendments to the guidelines to establish criteria for a lead agency to assess the need for translating those notice into non-English languages.	06/24/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
<b>AB 616</b> Bocanegra (D)	Local Public Employee Organizations: Dispute: Panels		Relates to local public employee organizations. Requires an organization request for submit a dispute to a factfinding panel to be in writing. Provides if either party disputes that a genuine impasse has been reached, the issue of whether the impasse exists may be submitted to the Public Employees Relations Board for resolution before the dispute is submitted to a factfinding panel. Authorizes each party to select a person to serve as its member of the factfinding panels.	08/30/2013 - In SENATE Committee on APPROPRIATIONS: Held in committee.	
<b>AB 687</b> Hernandez R (D)	Electricity		Requires the Public Utilities Commission, when authorizing additional direct transactions for retail nonresidential end-use customers, to provide the highest priority to acquire electric services from other providers to entities treating and remediating groundwater that is identified as contaminated on a site listed as a Superfund site in a disadvantaged or severely disadvantaged community or a public drinking water system of such communities. Requires the treatment and remediation using certain moneys.	02/04/2014 - From SENATE Committee on APPROPRIATIONS with author's amendments.;02/04/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>AB 993</b> Linder (R)	Contractors: Arbitration		Amends the Contractors' State License Law. Provides a party that submits a dispute with contractor to arbitration waives any right to recover attorney's fees or to challenge the arbitrator's award attorney's fees in a related civil action. Relates to the setting of the time, date, and location for a arbitration related hearing. Requires good cause to exclude any person from a hearing. Revises requirements regarding the recording of the hearing. Authorizes the reopening of a hearing prior to any award.	06/17/2013 - From SENATE Committee on BUSINESS, PROFESSIONS & ECON. DEVELOPMENT: Do pass to Committee on JUDICIARY.	
<b>AB 1043</b> Chau (D)	Drinking Water, Quality, Flood, River Protection		Amends the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. Eliminates the requirement to develop and adopt regulations and requires that cost subsequently recovered from a party responsible for the contamination be repaid to the State Department of Public Health and deposited in the Groundwater Contamination Cleanup Project	06/23/2014 - Re-referred to SENATE Committee on APPROPRIATIONS.	



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**Updated July 29, 2014**

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			Fund which would be created in this bill. Provides the procedures to the issuance of related grants.		
<b><u>AB 1080</u></b> Alejo (D)	Community Revitalization & Investment Authorities		Authorizes certain public entities of a community revitalization and investment area to form a community revitalization plan within a community revitalization and investment authority to carry out the Community Redevelopment Law in a specified manner. Requires the authority to adopt a community revitalization plan for a community revitalization and investment area and authorizes the authority to include in that plan a provision for the receipt of tax increment funds.	08/30/2013 - In SENATE Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 1249</u></b> Salas (D)	Regional Water Management Plans: Contamination		Provides the factors to be considered if an area within the boundaries of an integrated regional water management plan has nitrate, arsenic, perchlorate, or hexavalent chromium contamination. Requires that if a grant application includes those areas, the regional water management group include in the application information on how a project or projects helps to address the contamination, or an explanation on why the application does not include those projects.	06/30/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 1331</u></b> Rendon (D)	Clean, Safe, and Reliable Drinking Water Act of 2014		Repeals the provisions that would create the Safe, Clean and Reliable Drinking Water Supply Act of 2012. Enacts the Clean, Safe and Reliable Drinking Water Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in a specified amount pursuant to the State General Obligation Bond Law to finance a clean and safe drinking water program.	06/18/2014 - Withdrawn from SENATE Committee on GOVERNANCE AND FINANCE.;06/18/2014 - Re-referred to SENATE Committee on RULES.	
<b><u>AB 1434</u></b> Yamada (D)	Low-Income Water Rate Assistance Program		Requires the Department of Community Services and Development to develop a plan for the funding and implementation of the Low-Income Water Rate Assistance Program which would include specified elements. Requires the Department to report to the Legislature on its findings regarding the feasibility and desired structure of the program.	06/23/2014 - From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATION S: Do pass to Committee on APPROPRIATIONS.	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
<b>AB 1445</b> Logue (R)	Water Infrastructure Act of 2014		Repeals the provisions that would create the Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Enacts the State Water Infrastructure Act of 2014. Authorizes the issuance of bonds in a specified amount to finance a public benefit associated with water storage and water quality improvement projects.	02/14/2014 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;02/14/2014 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;02/14/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	
<b>AB 1448</b> Mullin (D)	Local Government: Part-Time Elected Officials		Prohibits the legislative or governing body of a city, county, city and county, school board, special district, or any other entity of local government from granting lifetime healthcare benefits to an elected official who serves part time. Specifies that these provisions do not prevent the award of, or continuation of, health care benefits that are entirely paid for by the individual.	03/06/2014 - From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.;03/06/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.	

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**Updated July 29, 2014**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
<b><u>AB 1506</u></b> Perea (D)	San Joaquin River Conservancy: Regulation Adoption		Makes a person who violates any of the posted regulations adopted by the San Joaquin River Conservancy governing lands owned or managed by the conservancy guilty of an infraction punishable by a maximum fine.	07/10/2014 - Signed by GOVERNOR.;07/10/2014 - Chaptered by Secretary of State. Chapter No. 114	
<b><u>AB 1522</u></b> Gonzalez (D)	Employment: Paid Sick Days		Enacts the Healthy Workplaces, Healthy Families Act of 2014, provides that any employee works for a specified number of days in a calendar year is entitled to paid sick days. Provides the formula for the accrual of such sick days. Authorizes an employer to limit an employee's use of paid sick days. Provides the authorized reasons to be used for taking such sick days. Prohibits discrimination or retaliation against an employee for requesting such sick days. Requires the posting of related notices.	06/24/2014 - From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 1527</u></b> Perea (D)	Public Water Systems: Safe Drinking Water Fund		Amends the Safe Drinking Water State Revolving Fund Law of 1997. Requires the State Water Resources Control Board to give priority funding from that fund to fund the consolidation of public water systems based upon a service review developed by a local agency formation commission.	06/30/2014 - Withdrawn from SENATE Committee on NATURAL RESOURCES AND WATER.;06/30/2014 - Re-referred to SENATE Committee on APPROPRIATIONS.	
<b><u>AB 1600</u></b> Gomez (D)	Service Contracts: Outsourcing Alternatives		Establishes, as a condition for a State agency to use personal services contracts, a requirement that the contractor's wages be the higher of the industry's level or the prevailing wage, if applicable.	04/23/2014 - In ASSEMBLY Committee on PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY: Not heard.	
<b><u>AB 1615</u></b>	Claims Against the State:		Appropriate funds from the State Board of Chiropractic Examiner's	07/18/2014 - Signed	

**IRWD 2014 LEGISLATIVE MATRIX**  
**Updated July 29, 2014**

<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
Gatto (D)	Payment		Fund in a prescribed amount to settle claims against the State arising from specified legal action and from the General Fund in a prescribed amount to settle claims against the State arising from a separate legal action. Provides that any appropriated funds in excess of the amount required to pay those claims revert to the fund from which the proceeds were taken.	by GOVERNOR.;07/18/2014 - Chaptered by Secretary of State. Chapter No. 142	
<b><u>AB 1632</u></b> Olsen (R)	Water Rights: Appropriation		Makes a technical, nonsubstantive change in provisions regarding the State Water Resources Control Board allowing permits and licenses appropriations for beneficial purposes of unappropriated water under terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated.	02/10/2014 - INTRODUCED.	
<b><u>AB 1636</u></b> Brown (D)	Water Conservation		Prohibits a city or county, during a drought emergency declared by the Governor, from enforcing a law or ordinance requiring a resident to water his or her lawn. Provides that a requirement imposed by a governmental entity or a public utility to limit, restrict, or conserve water during a drought emergency declared by the Governor does not constitute a diminution of rent or value of a premise or property.	04/24/2014 - Re-referred to ASSEMBLY Committee on LOCAL GOVERNMENT.	
<b><u>AB 1639</u></b> Grove (R)	Global Warming Solutions Act of 2006:Greenhouse Gas		Relates to the California Global Warming Solutions Act of 2006 and the Greenhouse Gas Reduction Fund. Amends existing law that creates the High-Speed Rail Authority. Provides that cap-and-trade revenues shall not be appropriated from the fund for purposes of the high-speed rail system, and would make legislative findings and declarations in that regard.	05/29/2014 - From ASSEMBLY Committee on NATURAL RESOURCES without further action pursuant to JR 62(a).	
<b><u>AB 1671</u></b> Frazier (D)	Sacramento-San Joaquin Delta:Water Conveyance System	Oppose	Prohibits the Department of Water Resources from constructing water facilities as part of a specified water conveyance system unless specifically authorized by the Legislature.	04/08/2014 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Not heard.	
<b><u>AB 1705</u></b> Williams (D)	Public Contracts: Payment	Oppose	Amends existing law that authorizes the retention proceeds withheld from any payment by an awarding entity from the original contractor, by the original contractor from any subcontractor, and by	06/11/2014 - In SENATE. Read second time and	

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
			a subcontractor from any subcontractor, to exceed a specified percentage on projects that are substantially complex. Requires that the bid documents include details explaining the basis for the finding in addition to the actual retention amount. Defines projects that are not substantially complex.	amended. To third reading.	
<b><u>AB 1707</u></b> Wilk (R)	Water Quality: Scientific Peer Review		Amends existing law that requires the State Water Resources Control Board and the regional water quality control boards to prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program. Relates to an external scientific peer review. Requires the Board to post on its Internet Web site a copy of the external scientific peer review for proposes rules of the State Board or a regional board.	07/01/2014 - In SENATE. Read second time. To third reading.	
<b><u>AB 1728</u></b> Garcia (D)	Political Reform Act of 1974		Relates to the Political Reform Act of 1974. Revises the definition of agency to include a local government agency formed pursuant to provision of the Water Code. Revises the definition of license, permit, or other entitlement for use with respect to proceedings before a local government agency formed pursuant to the Water Code to apply to all contracts that are not competitively bid.	06/24/2014 - From SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 1729</u></b> Logue (R)	Local Government: Agricultural Land: Payments		Appropriates a specified amount of money from the General Fund to make subvention payments to counties to reimburse the counties for property tax revenues not received as a result of contracts between the counties and owners of agricultural land in which the owners agree, under the Williamson Act, to continue using such property as agricultural for purposes of property taxation.	03/20/2014 - To ASSEMBLY Committee on APPROPRIATIONS. ;03/20/2014 - From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.;03/20/2014 - In ASSEMBLY. Read	

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				second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 1731</u></b> Perea (D)	Integrated Regional Water Management Plans: Funding		Requires, in each integrated regional water management region, that not less than a specified percentage of any funding for integrated regional water management planning purposes be used to facilitate and support the participation of disadvantaged communities in integrated regional water management planning and for projects that address critical water supply or water quality needs for disadvantaged communities.	06/10/2014 - In SENATE Committee on NATURAL RESOURCES AND WATER: Not heard.	
<b><u>AB 1739</u></b> Dickinson (D)	Groundwater Management		Requires specified groundwater basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans. Requires such plan to be coterminous and augment a groundwater management plan. Relates to groundwater extraction facilities. Requires the consideration of such plans by local entities when amending their general plan. Requires certain action on the part of a public water system regarding the implementation of a groundwater sustainability plan.	06/24/2014 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 1741</u></b> Frazier (D)	Public Works: Prevailing Wage Rates: Assessments		Relates to the issuance by the Labor Commissioner of a civil wage and penalty assessment for violating laws regulating public works contracts, including the payment of prevailing wages. Specifies that a contractor, subcontractor, or surety may deposit the full amount of the assessment or notice with the Department of Industrial Relations in the form of cash or a bond issued by a surety company admitted to do business in the State in a form acceptable to the Department.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 1782</u></b> Chesbro (D)	Wires: Unlawful Removal		Makes it a crime for any person to unlawfully and maliciously disconnect or cut a line of telegraph, telephone, or cable television, or any line used to conduct electricity, or any part thereof, or appurtenance or apparatus connected therewith. Makes the crime punishable by imprisonment in a county jail, a fine, or both.	06/19/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 1799</u></b> Gordon (D)	Land Use: Mitigation Lands	Support	Specifies, where a governmental entity or specified district is the transferee of property, that an endowment or other financial	05/23/2014 - In ASSEMBLY	

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			mechanism is not required if the entity or district provides evidence to the local or State agency that it possesses an investment-grade credit rating by a nationally recognized rating organization or other equivalent evidence of financial responsibility and enters into a contractual agreement enforcing mitigation requirements. Requires related reporting.	Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 1849</u></b> Logue (R)	California Environmental Quality Act: Exemptions		Relates to the California Environmental Quality Act. Exempts from the requirements of CEQA, the maintenance, repair, or replacement of an existing levee.	02/27/2014 - To ASSEMBLY Committee on NATURAL RESOURCES.	
<b><u>AB 1874</u></b> Gonzalez (D)	Integrated Regional Water Management Plans: Funding		Requires the Department of Water Resources to develop a streamlined application process for certain regional water management groups. Requires, in order to get water management grant funds through the process, the group must file a streamlined application including specified information. Requires awarding funds according to a statutory formula and covers regions. Requires the group to provide a list of projects to be funded and the Department to award the funding within a specified time period.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 1905</u></b> Alejo (D)	Water Rights: Appropriation: Livestock Stockpond Use		Provides that impoundment for incidental fire protection purposes is included within livestock stockpond use.	06/24/2014 - From SENATE Committee on NATURAL RESOURCES AND WATER: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 1933</u></b> Levine (D)	Local Government: Investments		Authorizes the legislative body of a local agency to invest in United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by certain banks. Requires these investments to be rated AA or better and to not exceed a specified percentage of the agency's moneys that may be invested.	06/25/2014 - Signed by GOVERNOR.;06/25/2014 - Chaptered by Secretary of State. Chapter No. 59	
<b><u>AB 1961</u></b> Eggman (D)	Land Use: Planning: Sustainable Farmland		Requires each county to develop a sustainable farmland strategy. Requires the sustainable farmland strategy to include, among other	05/23/2014 - In ASSEMBLY	

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	Strategy		things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the lose of such land to other uses or zones.	Committee on APPROPRIATIONS: Held in committee.	
<b>AB 1970</b> Gordon (D)	Global Warming Solutions Act: Community Investment		Creates the Community Investment and Innovation Program and requires moneys to be available from the Greenhouse Gas Reduction Fund for purposes of awarding grants and other financial assistance to eligible applicants who submit plans to develop and implement integrated community-level greenhouse gas emissions reductions in their region. Requires the Strategic Growth Council to administer the program.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b>AB 1983</b> Gray (D)	Water Meters: Multiunit Structures		Authorizes the owner or operator of a building containing residential units to install equipment to determine or use an economic allocation methodology to approximate the quantity of water that is provided to the tenants and used in the common areas of that building and to charge tenants separately for water and wastewater service based on usage as determined through the use of that equipment or allocation methodology if certain requirements are met.	03/03/2014 - To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and WATER, PARKS AND WILDLIFE.	
<b>AB 2040</b> Garcia (D)	Public Official Compensation		Requires a local agency to report to the Controller the annual compensation of its public officials. Requires a local agency that is required to report and that maintains an Internet Web site to post that information on the Controller's Government Compensation in California Internet Web site. Requires the Controller to display the financial reports and the public official compensation on that Web site. Requires the entities to consult regarding the reporting requirements for such disclosure.	06/25/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>AB 2043</b> Bigelow (R)	Safe Clean and Reliable Drinking Water Supply Act		Repeals provisions of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Enacts the Safe, Clean, and Reliable Water Supply Act of 2014, which, if adopted by votes, would authorize the issuance of bonds in a specified amount to finance a safe drinking water and water supply reliability program.	07/02/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
<b>AB 2045</b>	Energy Improvements and		Enacts the Non-Residential Real Property Energy Retrofit Financing	05/23/2014 - In	



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Rendon (D)	Financing		Act of 2014. Provides financial assistance through the issuance of revenue bonds, to owners of eligible real properties. Requires that the bonds be secured by the recording of an energy remittance repayment agreement lien. Requires the Energy Resources Conservation and Development Commission to collect installment payments from owners of eligible real properties whose applications it has approved.	ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b>AB 2049</b> Dahle (R)	Drinking Water: Point-of-Entry: Point-of-Use Treatment		Limits the use of point-of-entry and point-of-use treatment to water systems with less than 500 service connections.	05/08/2014 - To SENATE Committee on ENVIRONMENTAL QUALITY.	
<b>AB 2067</b> Weber (D)	Urban Water Management Plans		Requires an urban retail water supplier and an urban wholesale water supplier to provide narratives describing the supplier's water demand management measures. Requires the narrative to address the nature and extent of each water demand management measure implemented to describe the water demand management measures that the supplier plans to implement. Provides the deadline for the 2015 plan submission. Relates to the determination of future water use reductions.	07/03/2014 - In ASSEMBLY. Ordered returned to SENATE. *****To SENATE.	
<b>AB 2071</b> Levine (D)	Recycled Water: Pasture Animals		Requires the State Water Resources Control Board to determine whether the use of disinfected tertiary treated recycled water for the purpose of providing water to pasture animals would be safe for public and animal health. Requires the establishment of statewide recycling criteria for the use of recycled water for such purposes. Prohibits the use of such water in the water supply for dairy animals that are currently producing dairy products for human consumption.	06/30/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>AB 2097</b> Morrell (R)	Homeowners Exemption and Renters Credit		Increases the homeowners' property tax exemption. Increases the personal income tax credit for a qualified renter.	03/03/2014 - To ASSEMBLY Committee on REVENUE AND TAXATION.	
<b>AB 2100</b> Campos (D)	Common Interest Developments: Yard		Prohibits a common interest development association from imposing a fine or assessment against a member of a separate interest for	07/21/2014 - Signed by	

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	Maintenance: Drought		reducing or eliminating watering of vegetation or lawns during any period for which the Governor has declared a state of emergency, or a local government has declared a local emergency, due to drought.	GOVERNOR.;07/21/2014 - Chaptered by Secretary of State. Chapter No. 164	
<b><u>AB 2104</u></b> Gonzalez (D)	Common Interest Developments:Water Efficient Landscapes	Support	Relates to the Davis-Stirling Common Interest Development Act. Provides that a provision of the governing documents or of the architectural or landscaping guidelines or polices shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, low water-using plants as a group or as a replacement of existing turf, or if the provisions have the effect of prohibiting or restricting compliance with local water conservation measures.	06/12/2014 - In SENATE. Read second time. To third reading.	
<b><u>AB 2114</u></b> Pan (D)	Taxation: Qualified Heavy Equipment		Imposes a tax on every qualified renter for the privilege of renting qualified heavy equipment. Requires a renter to collect the tax from the qualified rentee at the time of rental. Provides that this tax shall be in lieu of any personal property tax on qualified heavy equipment. Requires the county auditor to increase the total amount of ad valorem property tax revenue and to decrease the amount of ad valorem property tax required to be allocated to the county Educational Revenue Augmentation Fund.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 2126</u></b> Bonta (D)	Meyers Milias Brown Act Mediation		Amends the Meyers-Milias-Brown Act. Permits either party to contract negotiations to request mediation and agree upon a mediator. Authorizes the Public Employee Relations Board to appoint a mediator upon request. Relates to a waiver of such request if the public agency has a impasse procedure. Authorizes certain collective bargaining negotiation differences to apply to these provisions.	06/23/2014 - From SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2189</u></b> Garcia (D)	Water Replenishment Districts: Replenishment Assessment		Requires a water replenishment district board to make specified findings and determinations before holding a public meeting and to identify water-producing facilities within the district that would be subject to a proposed replenishment assessment and give written notice by mail to owners of those facilities. Authorizes the facility owner to submit a written protection in opposition of the assessment.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	

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			Provides the condition that would prohibit the imposition of the assessment.		
<b><u>AB 2211</u></b> Ting (D)	Counties: Database: Information Regarding Property Tax		Requires each county to make available to taxpayers on its Internet Web site a graph visualization of how general ad valorem property tax revenues are allocated countywide. Requires the Internet Web site to provide taxpayers with certain information about general ad valorem property tax revenues and the types of programs and services funded with general ad valorem property tax revenues, and a link to a final budget document where information about specific programs and services is detailed.	06/25/2014 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2231</u></b> Gordon (D)	State Controller: Property Tax Postponement		Relates to claims for postponement under the Senior Citizens and Disabled Citizens Property Tax Postponement Law to include the process for filing the claim, excluding mobilehomes and houseboats, surviving spouse procedures, a related fund, an increase in the related implementation fee, the lien for postponed property taxes and recording thereof, the equity requirement for program participation, the updating of repayment of the postponed taxes, tax-default sales, and nonresidential commercial property.	06/25/2014 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2257</u></b> Cooley (D)	Tax-Defaulted Property: Excess Proceeds from Sale		Eliminates the requirement that any excess proceeds from the sale of tax-defaulted property not claimed be distributed among taxing agencies. Authorizes any excess proceeds to be transferred to the county general fund at the expiration of a specified time period. Relates to the distribution and claim process of any excess proceeds from the sale.	06/25/2014 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2259</u></b> Ridley- Thomas S (D)	Water Replenishment: Assessments		Requires that a judicial action or proceeding to attack, review, set aside, void, or annul a resolution or motion levying a water replenishment assessment by a water replenishment district pursuant to certain provisions to be connected within a certain number of days of the adoption of the resolution or motion. Requires that an action regarding the replenishment assessment be brought pursuant to specified provisions regarding civil proceedings.	07/01/2014 - In SENATE. Read second time and amended. To third reading.	
<b><u>AB 2282</u></b> Gatto (D)	Building Standards: Recycled Water Infrastructure		Requires the Department of Housing and Community Development to conduct research to assist in the development of and to propose adoption, amendment or repeal by the State Building Standards	07/02/2014 - In SENATE. Read second time and	

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			Commission of mandatory building standards for the installation of recycled water infrastructure for newly constructed single-family and multifamily residential buildings. Limits the mandate to install recycled water piping to certain areas within a local jurisdiction. Regards recycled water and green building standards.	amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 2312</u></b> Nestande (R)	Metal Theft	Support	Relates to theft of wire, cable, copper, lead, solder, mercury, iron, or brass. Requires a junk dealer or recycler to request to receive theft alert notifications regarding the theft of commodity metals in the junk dealer's or recycler's geographic region from the theft alert system maintained by the Institute of Scrap Recycling Industries, Inc. Requires a junk dealer or recycler who is an applicant for a new weighmaster license or renewal to also include a statement on theft alert notifications.	06/24/2014 - From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2353</u></b> Waldron (R)	Environmental Quality: Water Storage Facilities		Exempts a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets specified criteria from the requirements of the California Environmental Quality Act.	05/29/2014 - From ASSEMBLY Committee on NATURAL RESOURCES without further action pursuant to JR 62(a).	
<b><u>AB 2403</u></b> Rendon (D)	Local Government: Assessments, fees, and charges		States that provisions of the State Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provisions of written notice and the holding of a public hearing. Modifies the definition of water to mean water from any source.	06/28/2014 - Signed by GOVERNOR.;06/28/2014 - Chaptered by Secretary of State. Chapter No. 78	
<b><u>AB 2417</u></b> Nazarian (D)	California Environmental Quality Act: Recycled Water		Amends the California Environmental Quality Act, which exempt specified pipeline projects from certain requirements. Exempts from the Act, a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding a specified length, for the distribution of recycled water within a public street, highway, or right-of-way. Requires the filing of a notice of exemption.	06/18/2014 - In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.	

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<b><u>AB 2420</u></b> Nazarian (D)	Well Stimulation Treatments: Local Prohibition		Authorizes a city or county to adopt and enforce a local ordinance prohibiting well stimulation treatments.	04/30/2014 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Failed passage.;04/30/2014 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Reconsideration granted.	
<b><u>AB 2434</u></b> Gomez (D)	Income Taxes: Exclusion	Support	Provides, under the Personal Income Tax and Corporation Tax laws, an exclusion from gross income for any amount received as a rebate, or financial incentive issued by a local water agency or or supplier for participation in a turf removal water conservation program.	06/25/2014 - From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2442</u></b> Gordon (D)	Porter Cologne Water Quality Control Act		Prohibits the State Water Resources Control Board, a regional board, from being held civilly liable in a civil proceeding for trespass or any other acts that are necessary to carry out investigations or corrective actions. Prohibits those entities from incurring any obligation to undertake those actions. Applies to a related claim or cause of action.	07/01/2014 - In SENATE. Read second time and amended. To third reading.	
<b><u>AB 2443</u></b> Rendon (D)	Duplication of Service: Mutual Water Companies		Makes inapplicable the provision that a mutual water company is a private utility entitled to just compensation for a taking in a territory it services at the time of the taking when a political subdivision constructs facilities to provide or extend recycled water service to the territory of the mutual water company.	06/30/2014 - In SENATE. From third reading. To Inactive File.	
<b><u>AB 2446</u></b> Waldron (R)	San Luis Rey Municipal Water District		Prohibits a standby assessment or availability charge levied for the San Luis Rey Municipal Water District from exceeding a specified amount per acre for land on which the charge is levied or a specified amount per year for a parcel less that a specified size. Requires the	06/26/2014 - In SENATE. Read second time. To third reading.	

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			proceeds from the assessment or charge to be used for the purposes of management of local water supply and its quality.		
<b><u>AB 2463</u></b> Dickinson (D)	Water: Plans		Requires the Department of Water Resources to partner with the Regional Water Authority, water suppliers in El Dorado, Placer, Sacramento, and Placer counties, and other interested agencies to develop a plan for investing in water supplies and other facilities in order to contribute to the reliability of water supplies for the Sacramento region's communities and environmental resources while also generating statewide benefits.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 2471</u></b> Frazier (D)	Public Contracts: Change Orders		Requires a public entity, when authorized to order changes or additions in the work in a public works contract awarded to the lowest bidder, to issue a change order promptly. Requires if this requirement is not met, the entity to be liable to the original contractor for the completed work in accordance with the contract. Authorizes the submission of a change order for completed extra work performed by a subcontractor. Authorizes subcontractor request. Requires subcontractor notification.	06/30/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 2492</u></b> Jones-Sawyer (D)	Controlled Substances: Sentencing		Amends existing law prohibits a person from using or being under the influence of certain controlled substances. Deletes the requirement that a person convicted under this provision serve at least a certain number of days in a county jail, and would delete the requirement that, as a condition of granting probation, the person serve time in a county jail.	06/26/2014 - In SENATE. Read second time. To third reading.	
<b><u>AB 2507</u></b> Bocanegra (D)	Public Records Act: Exemptions		Provides that outside attorney billing records, when they are prepared in connection with a pending civil action in which a public agency is the defendant, are exempt from the State Public Records Act disclosure provisions during the pendency of the litigation.	04/22/2014 - In ASSEMBLY Committee on JUDICIARY: Not heard.	
<b><u>AB 2516</u></b> Gordon (D)	Sea Level Rise Planning: Database		Requires the Natural Resources Agency to post on its Internet Web site a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. Requires public and private entities to provide input. Requires the Agency to determine the information for database, and to organize the database by geographic area and to provide an entry for each	06/30/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	

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			city, county, and city and county within the coastal zone and San Francisco Bay area.		
<b><u>AB 2554</u></b> Rendon (D)	Clean, Safe, and Reliable Drinking Water Act of 2014		Repeals the Safe, Clean, and Reliable Drinking Water Act of 2012 that would authorize the issuance of bonds to finance a safe drinking water and water supply reliability program via a bond act if passed by the voters at a statewide general election. Enacts the Clean, Safe, and Reliable Drinking Water Act of 2014 to authorize bonds in a specified amount to finance a clean, safe, and reliable drinking water program if passed by the voters at a statewide general election.	04/29/2014 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.	
<b><u>AB 2619</u></b> Gaines B (R)	Dams: Fish: Critically Dry Year		Amends existing law which requires a dam owner to allow sufficient water to pass through a fishway or over, around, or through the dam and which authorizes the Department of Fish and Game to grant permission to the dam owner to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam. Prohibits such provisions from applying during a critically dry year.	03/28/2014 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.;03/28/2014 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE with author's amendments.;03/28/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	
<b><u>AB 2636</u></b> Gatto (D)	CalConserve Water Use Efficiency Revolving Fund		Transfers to the CalConserve Water Use Efficiency Revolving Fund from the Costa-Machado Water Act of 2000 specified bond proceeds issued and available for agricultural water projects. Requires the Department of Water Resources to use these moneys for loans and	06/30/2014 - In SENATE. Read second time and amended. Re-referred	

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			grants to local agencies to acquire and construct agricultural water conservation projects consistent with the bond act. Prohibits any funds until specified information regarding such projects is provided to the Legislature.	to Committee on APPROPRIATIONS.	
<b><u>AB 2676</u></b> Rendon (D)	Controller Reports		Changes the definition of a special district included in the reporting requirements of the Controller to include a public entity, agency, or board provided for by a joint powers agreement that is separate from the parties to the agreement and is responsible for the administration of the agreement. Relates to auditing local redevelopment agencies. Relates to forfeiture requirements local agency officers that fail or refuse to file a financial report to the Controller.	05/23/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b><u>AB 2680</u></b> Nazarian (D)	Water Quality		Makes technical, nonsubstantive changes to the legislative findings and declarations in The Porter-Cologne Water Quality Control Act.	02/21/2014 - INTRODUCED.	
<b><u>AB 2686</u></b> Perea (D)	Clean, Safe, and Reliable Water Supply Act of 2014		Repeals the Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Enacts the Clean, Safe, and Reliable Water Supply Act of 2014, which, if adopted by the voters, would authorize the issuance of bonds in an unspecified amount, to finance a clean, safe, and reliable water supply program. Provides for the submission of the bond act to the voters at a statewide general election.	07/02/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
<b><u>AB 2701</u></b> Gonzalez (D)	Groundwater Basins: Investigation and Report		Makes a technical, nonsubstantive change to existing law that requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature.	02/21/2014 - INTRODUCED.	
<b><u>AB 2712</u></b> Daly (D)	Hazardous Materials: Orange County Water District		Requires the Orange County Water District when cleaning up or containing contamination, abating the effects of contamination or pollution, or taking other emergency, removal, or remedial action to provide notice of the action to the regional water quality control board and the Department of Toxic Substances Control, to meet and confer with agencies and any responsible party, and to comply with the National Contingency Plan.	07/01/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>AB 2725</u></b> Brown (D)	Urban Waterway Restoration		Requires the Department of Water Resources to release assumptions and estimates relating to water use for urban waterway restoration.	03/17/2014 - To ASSEMBLY	



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			Includes urban waterway restoration that increases water supplies for any beneficial use, as a regional project or program. Includes an urban waterway restoration project as an eligible project for the grant program under the Environmental Water Fund.	Committee on WATER, PARKS AND WILDLIFE.	
<b><u>AB 2738</u></b> Alejo (D)	Contamination		Relates to notification of an action on a business that discharged a specified chemical. Requires the notice of special compliance procedure and proof of compliance form to be provided to the alleged violator at the time the notice of the alleged violation is served. Requires that the notice allege that the alleged violator failed to provide clear and reasonable warning regarding specified exposures.	07/01/2014 - In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b><u>ACA 8</u></b> Blumenfield (D)	Local Government Financing: Voter Approval		Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.	06/27/2013 - To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.	
<b><u>HR 29</u></b> Gomez (D)	Outsourcing Public Services	Oppose	Opposes outsourcing of public services and assets, which harms transparency, accountability, shared prosperity, and competition, and supports processes that give public service workers the opportunity to develop their own plan on how to delivery cost-effective, high-quality services.	04/03/2014 - In ASSEMBLY. Read third time and amended. To third reading.;04/03/2014 - In ASSEMBLY. Read third time. Adopted by ASSEMBLY.	
<b><u>SB 1</u></b> Steinberg (D)	Sustainable Communities Investment Authority		Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and	09/12/2013 - In SENATE. To Inactive File.	

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
			enforcement of prevailing wage requirements within the area. Excludes certain types of farmland.		
<b>SB 26</b> Correa (D)	Orange County Water District: Land Use	Watch	Requires the Orange County Water District to comply with provisions of existing law relating to building and zoning ordinances. Requires the District to provide notice of intent to develop real property owned by the District that is located within the boundaries of a city to the planning agency of that city in advance of any District Board approval. Requires the conduction of a public meeting in a city where a water facility exempt from building and zoning ordinances would be located or constructed.	06/25/2014 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS.	
<b>SB 33</b> Wolk (D)	Infrastructure Financing Districts: Voter Approval		Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits financing until a certain requirement is met. Prohibits assistance to a vehicle dealer or big box retailer.	09/11/2013 - In ASSEMBLY. To Inactive File.	
<b>SB 64</b> Corbett (D)	Global Warming Solutions: Clean Technology Investment		Creates the Clean Technology Innovation Account within the Greenhouse Gas Reduction Fund. Requires appropriations of moneys in the fund or other funds to the account in the Budget Act. Makes such funds available for evaluating the efficacy of a new technology or product to potentially reduce greenhouse gas emission, provide grants for technologists and products that have been confirmed to have greenhouse gas emission reduction potential. Requires providing programmatic and technical expertise.	07/02/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 103</b> Budget and Fiscal Review Cmt	Budget Act of 2013		Amends the Budget Act of 2013 by revising items of appropriation and making other changes for the purpose of addressing drought conditions in the State.	03/01/2014 - Signed by GOVERNOR.;03/01/ 2014 - Chaptered by Secretary of State. Chapter No. 2	
<b>SB 104</b> Budget and	Drought Relief		Provides provisions regarding drought relief to include fines for violations of permits and licenses issued by the State Water	03/01/2014 - Signed by	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
Fiscal Review Cmt			Resources Control Board, the disbursement of disaster assistance, civil fines for the improper water diversion, emergency regulations regarding the diversion of water and the fines for a related infraction and for groundwater replenishment, rental space for those with economic hardship, the employment training tax, and the providing of funds for water management grants.	GOVERNOR.;03/01/2014 - Chaptered by Secretary of State. Chapter No. 3	
<b>SB 176</b> Galgiani (D)	Administrative Procedures		Requires the Office of Administrative Law to allow electronic submission to the Office by a state agency of notices required to be published and information required to be submitted pursuant to specified provisions of existing law. Expands the public discussion required described in existing law to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal, to involve parties that would be subject to the regulations in such discussions.	08/30/2013 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File.;08/30/2013 - In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.	
<b>SB 193</b> Monning (D)	Hazard Evaluation System and Information Service		Relates to the repository of data on toxic materials and harmful physical agents in places of employment. Requires chemical manufacturers, formulators, suppliers, distributors, importers, and their agents to provide Hazard Evaluation System and Information Service the names and addresses of their customers who have purchased specified chemicals or commercial products containing those chemicals, and certain other information upon a request from the Service. Exempts the names and address from disclosure.	07/02/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
<b>SB 266</b> Lieu (D)	Prevailing Wages		Requires the body awarding a contract for public work to furnish a copy of the valid notice of completion for the public work or a document evidencing the awarding body's acceptance of the public work on a particular date, whichever occurs later. Requires that body to notify the Labor Commissioner if there has been no valid notice of completion filed, and no document evidencing the acceptance of the public work on a particular date. Requires civil wage assessments until an applicable document is received.	06/30/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 536</b> Berryhill T (R)	Property-Related Services		Provides that a county shall not be obligated to provide subsidies to cure any deficiencies in funding of property-related services	06/17/2013 - To ASSEMBLY	

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			provided within the jurisdiction of a defined district, under any of certain specified circumstances. Provides that this prohibition would not apply if the county's governing board had agreed to subsidize the district's services before the completion of a majority protest proceeding or election.	Committee on LOCAL GOVERNMENT.	
<b>SB 556</b> Corbett (D)	Agency: Ostensible: Nongovernmental Entities		Relates to third person contracts and ostensible agencies. Prohibits a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform labor or services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo that reasonably could be interpreted as implying the labor or services are being performed by employees of a public agency, unless the vehicle and uniform displays a specified disclosure.	09/11/2013 - In ASSEMBLY. To Inactive File.	
<b>SB 605</b> Lara (D)	California Global Warming Solutions Act: Scoping Plan		Requires the Controller to determine the amount of moneys collected and deposited in the Greenhouse Reduction Fund by the State Air Resources Board. Appropriates moneys from the fund for projects and programs in disadvantaged communities. Authorizes expenditures for administrative purposes. Requires the Board, when updating a greenhouse gas emissions reduction scoping plan, to include specified criteria, and to submit that criteria to the Joint Legislative Budget Committee.	08/30/2013 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
<b>SB 628</b> Beall (D)	Infrastructure Financing: Transit Priority Projects		Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit priority project. Requires a specified percentage of the revenue for increasing, improving, and preserving the supply of lower and moderate-income housing. Requires a low-income housing replacement ordinance.	07/03/2014 - In ASSEMBLY. Action rescinded whereby bill was read third time and passed. To third reading.	
<b>SB 633</b> Pavley (D)	State Parks		Requires the Department of Parks and Recreation to report to the Legislature that addresses the Department's energy costs, projects that could reduce those costs, and potential energy-related infrastructure projects. Requires the Department to establish a pilot program for mobile food and beverage concessions and to report on the suitability, increase in visitation, and visitor satisfaction. Relates	06/24/2014 - From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.;06/24/2	

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
			to the sales of park passes by cooperating vendors. Relates to the funding from special plates revenue.	014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 731</b> Steinberg (D)	Environment: California Environmental Quality Act		Relates to the State Environmental Quality Act. Provides that certain impacts of a residential, mixed-use, or employment center project within a transit priority area shall not be considered significant impacts. Requires guidelines for thresholds of significance for noise and transportation impacts to be made available. Requires preparation of environmental impact reports. Extends the tolling of time for judicial actions and mitigation measures. Relates to sustainable communities planning and grants.	09/11/2013 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass as amended.	
<b>SB 735</b> Wolk (D)	Sacramento-San Joaquin Delta Reform Act		Amends existing law that establishes the Delta Stewardship Council to create a Delta management plan. Authorizes prescribed local entities to enter into a memorandum of understanding or other written agreement with the council and the Department of Fish and Wildlife regarding multispecies conservation plans that describes how the parties would ensure that multispecies conservation plans that have been adopted or are under development are consistent with the Delta Plan.	08/13/2013 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Not heard.	
<b>SB 750</b> Wolk (D)	Building Standards: Water Meters: Multiunits		Requires a water purveyor providing water service to new multiunit residential or mixed use structures to require water measurement to each unit and to permit measurement to be by water meters or submeters. Requires submeters to comply with existing laws and regulations. Prohibits purveyor fees for submeters installed by the owner. Imposes certain requirements on landlords in related to the submetered water service. Relates to separate charge notification to tenant. Authorizes damages for violations.	08/13/2013 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.;08/13/2013 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Reconsideration	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
<b>SB 757</b> Berryhill T (R)	Junk Dealers		Relates to junk dealers and recyclers. Permits a seller to use a passport from any country or a Matricula Consular issued by Mexico, along with another form of identification bearing an address, or an identification card issued by the United States, as identification. Specifies that the provisions governing secondhand dealers and coin dealers do not apply to junk dealers.	granted. 09/06/2013 - In ASSEMBLY. To Inactive File.	
<b>SB 785</b> Wolk (D)	Design-Build		Repeals certain authorizations and enacts provisions that would authorize the Department of General Services, the Department of Corrections and Rehabilitation, and certain local agencies to use the design-build procurement process for specified public works. Authorizes the use of such process by the Marin Healthcare District when contracting for building and improvements construction to a hospital or health facility. Requires specified moneys to be deposited into the State Public Works Enforcement Fund.	06/25/2014 - From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS.	
<b>SB 848</b> Wolk (D)	Safe Drinking Water, Water Quality, and Water Supply		Repeals the provisions of existing law that created the Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Enacts the Safe Drinking Water, Water Quality, and Flood Protection Act of 2014 which would authorize the issuance of bonds pursuant to the State General Obligation Bond Law to finance a safe drinking water, water quality and water supply program. Provides for the submission of the bond act to the voters.	07/03/2014 - In SENATE. Read third time and amended. To second reading.	
<b>SB 927</b> Cannella (R)	Safe, Clean, and Reliable Drinking Water Supply Act		Renames the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 as the Safe, Clean, and Reliable Drinking Water Supply Act of 2014 and makes conforming changes. Authorizes the issuance of bonds in a specified amount by reducing the amount available for projects related to drought relief and water supply reliability.	04/22/2014 - In SENATE Committee on NATURAL RESOURCES AND WATER: Failed passage.;04/22/2014 - In SENATE Committee on NATURAL RESOURCES AND WATER: Reconsideration	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
<b>SB 938</b> Galgiani (D)	Water Rights: Reconsideration of a Decision or Order		Makes a technical, nonsubstantive change to existing law that specifies procedures under which a person may be subject to administrative civil liability for unauthorized diversion or use of water, specifies procedures under which the State Water Resources Control Board is authorized to order a reconsideration of all or part of its decision or order.	granted. 02/20/2014 - To SENATE Committee on RULES.	
<b>SB 946</b> Huff (R)	Community Facilities: Orange County Sanitation District		Revises the governing body of the Orange County Sanitation District to include one member of the city council of each city, except the City of Yorba Linda, and one member of the governing body of the Yorba Linda Water District.	07/21/2014 - Signed by GOVERNOR.;07/21/ 2014 - Chaptered by Secretary of State. Chapter No. 171	
<b>SB 985</b> Pavley (D)	Stormwater Resource Planning	Support_Am end	Amends the Stormwater Resource Planning Act. Requires a stormwater resources plan to identify and prioritize the use of lands or easements in public ownership for stormwater and dry weather runoff on- of off-site projects. Eliminates the requirement such a plan be consistent with any applicable integrated regional water management plan. Requires an entity developing a plan to identify opportunities to use existing publicly owned lands and easements to capture, clean, store, and use stormwater and runoff.	06/24/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 992</b> Nielsen (R)	Common Interest Developments: Property and Maintenance		Prohibits a common interest development association from imposing a fine or assessment on separate interest owners for reducing or eliminating watering of vegetation or lawns during any period for which the Governor has declared a state of emergency due to drought.	06/19/2014 - In ASSEMBLY. Read second time. To third reading.	
<b>SB 1014</b> Jackson (D)	Pharmaceutical Waste: Home Generated: Collection		Requires the adoption of regulations to authorize a participant of a model drug waste disposal program to establish a program to collect and properly dispose to establish a program to collect and properly dispose of home-generated pharmaceutical waste. Deems a participant to be in compliance with state laws and regulations concerning the handling, management, and disposal of such waste. Defines such waste. Excludes from the definition of medical waste, home-generated pharmaceutical waste in such program.	06/30/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
<b>SB 1036</b> Pavley (D)	Urban Water Management Plans		Authorizes an urban water supplier to include within an urban water management plan certain energy-related information, including, but not limited to, an estimate of the amount of energy used to extract or divert water supplies. Requires the Department of Water Resources to include in its guidance for the preparation of such plans, a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems.	06/17/2014 - From ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.	
<b>SB 1049</b> Pavley (D)	Integrated Regional Water Management Plans		Amends the Integrated Regional Water Management Planning Act. Includes projects or programs that reduce energy used to acquire, transport, treat, or distribute water, or that develop and and maintain computer models and analytic tools to model regional water management strategies as a regional project or program. Requires a regional water management group to include all water suppliers that are within a watershed area, the area over a groundwater basin or subbasin, or the area within a county's boundaries.	05/23/2014 - In SENATE Committee on APPROPRIATIONS: Held in committee.	
<b>SB 1080</b> Fuller (R)	Safe, Clean, and Reliable Drinking Water Supply Act		Relates to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, which, if approved by the voters, would authorize the issuance of bonds in a specified amount. Declares the intent of the Legislature to enact legislation to reduce the bond amount.	02/27/2014 - To SENATE Committee on RULES.	
<b>SB 1113</b> Knight (R)	Property Taxation: Disabled Veterans Exemption: Refunds		Relates to veterans with disabilities. Provides that if a claim for a refund is filed for a disabled veterans' property tax exemption, the period of time for which a refund is required to be made shall be extended.	07/02/2014 - In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.	
<b>SB 1144</b> Galgiani (D)	Common Interest Developments		Prohibits an association from imposing a fine or assessment on separate interest owners for yard maintenance issues related to under watered plants and lawns during any period for which the governor has declared a state of emergency due to drought. Prohibits a city, county, or city and county from imposing a fine or assessment on separate interest owners for yard maintenance issues.	03/06/2014 - To SENATE Committee on TRANSPORTATION AND HOUSING.	
<b>SB 1168</b> Pavley (D)	Groundwater Management		Enacts the Sustainable Groundwater Management Act. Requires basins and subbasins to be categorized. Authorizes a groundwater management agency to collect fees and set up a system for allocating	06/24/2014 - From ASSEMBLY Committee on	



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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			groundwater, and to monitor and manage groundwater levels. Requires a groundwater management plan. Requires a local general plan to be referred to such agency, of the State Water Resources Control Board.	WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.	
<b>SB 1214</b> Anderson (R)	State Controller and Property Tax Postponement		Amends the Senior Citizens and Disabled Citizens Property Tax Postponement Law. Extends the prohibition against a person filing a claim for postponement and the Controller from accepting application for postponement under the program. Creates a related fund. Increases the equity interest requirement. Provides additional procedures regarding the filing of a related claim. Regards procedures relating to tax defaulted property. Requires notification of all tax defaulted properties.	05/23/2014 - In SENATE Committee on APPROPRIATIONS: Held in committee.	
<b>SB 1216</b> Morrell (R)	Homeowners' Exemption and Renter's Credit		Increases the homeowners' property tax exemption to a specified amount of the full value of a dwelling. Requires the County Assessor to adjust the amount of the homeowners' exemption. Provides for an increase in the renter's tax credit based on a specified adjusted gross income amount.	04/22/2014 - Re-referred to SENATE Committee on GOVERNANCE AND FINANCE.	
<b>SB 1250</b> Hueso (D)	Safe, Clean and Reliable Drinking Water Supply Act		Repeals the Safe, Clean and Reliable Drinking Water Supply Act of 2012 that would authorize the issuance of bonds to finance a safe drinking water and water supply reliability program. Enacts the Safe, Clean, and Reliable Drinking Water Supply Act of 2014, which, if adopted by voters would authorize the issuance of State General Obligation Bonds in a specified amount to finance a safe drinking water and water supply program.	05/13/2014 - In SENATE Committee on NATURAL RESOURCES AND WATER: Not heard.	
<b>SB 1281</b> Pavley (D)	Oil and Gas Production: Water Use Reporting		Requires the monthly statement by a well owner to the State Oil and Gas Supervisor to include the source and amount of fluid or gas injected into each well, and the source and amount of water used to generate injected fluid or gas. Requires the use of recycled water during a drought. Prohibits the use of unmanaged groundwater. Requires the statement to include additional information, including the treatment of water and the use of treated or recycled water in oil and gas field activities.	07/02/2014 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
<b>SB 1292</b>	Safe Drinking water State		Relates to the Safe Drinking Water State Revolving Fund. Increases	07/02/2014 - In	

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<b>Bill No. Author</b>	<b>Title</b>	<b>IRWD Position</b>	<b>Summary/Effects</b>	<b>Status</b>	<b>Notes</b>
Hueso (D)	Revolving Fund		the maximum amount of a construction grant award for a water system serving severely disadvantaged communities.	ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.	
<b>SB 1323</b> Lieu (D)	Pet Lover's License Plate Program		Requires the Department of Motor Vehicles to deposit additional fees for a specialty license plate issued under the Pet Lover's License Plate Program into the Pet Lover's Specialized License Plate Fund which this act will establish. Requires the funds to be appropriated to the Veterinary Medical Board for the purpose of funding grants to providers of no-cost or low-cost animal sterilization services.	06/30/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 1362</b> Correa (D)	Hazardous Waste: Disposal: Exemption		Excludes from the definition of the term disposal from existing law that regulates the disposal of hazardous waste, the onsite movement of soil at an active outdoor sport shooting range, if the movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the range and the residual soil is replaced within the are from which it was originally removed.	04/21/2014 - From SENATE Committee on RULES with author's amendments.;04/21/2014 - In SENATE. Read second time and amended. Re-referred to Committee on RULES.	
<b>SB 1370</b> Galgiani (D)	Reliable Water Supply Bond Act of 2014		Repeals the Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Enacts the Reliable Water Supply Bond Act of 2014 to finance surface water storage projects.	04/08/2014 - In SENATE Committee on NATURAL RESOURCES AND WATER: Heard, remains in Committee.	
<b>SB 1390</b> Correa (D)	Santa Ana River Conservancy Program		Establishes the Santa Ana River Conservancy Program to acquire interests and options in real property and would prescribe the management, powers, and duties of the conservancy. Creates the Santa Ana River Conservancy Program Account in the State Coastal Conservancy Fund. Requires a report.	07/02/2014 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
<b>SB 1420</b>	Urban Water Management		Requires an urban water management plan to quantify and report on	06/17/2014 - From	

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Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
Wolk (D)	Plans		distribution system water loss. Authorizes water use projections to display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans, when the information is available and applicable to the supplier. Requires the plan, or amendments to be submitted electronically to the Department of Water Resources and include department forms, tables, or displays.	ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRIATIONS.	
<b><u>SB 1451</u></b> Hill (D)	Environmental Quality: Judicial Review: Standing		Relates to the California Environmental Quality Act. Requires that the alleged grounds for Act noncompliance shall have been presented to a public agency prior to the close of a public hearing on the project under certain conditions. Limits the standing of a person objecting to the project prior to the close of the hearing before the filing of notice of determination for which no public comment period was provided by the Act. Extends related preclusion provisions.	05/06/2014 - In SENATE Committee on JUDICIARY: Not heard.	
<b><u>SB 1462</u></b> Wolk (D)	Local Government: Omnibus Bill		Relates to the duties of the Sacramento County clerk. Authorizes the legislative body to include the maturity or maturities of the bonds in the ordinance, resolution, indenture, agreement, or other instrument providing for issuance. Specifies that the description of the boundaries of the proposed district may be accomplished by reference to a map on file in the office of the clerk of either the city or county that is proposing to establish the district.	06/26/2014 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE for concurrence.	
<b><u>SCA 11</u></b> Hancock (D)	Local Government: Special Taxes: Voter Approval		Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition, if the proposition proposing the tax contains specified requirements.	06/27/2013 - Re- referred to SENATE Committee on APPROPRIATIONS.	

EXHIBIT "B"  
July 29, 2014

Summary of Water Bond Proposals

(Please note that changes from the last version have been placed in blue text)

	SB7x 2 <i>(Bond Currently on the November 2014 ballot)</i>	Governor's Proposal <i>(August 5, 2014 February 20, 2014, Version)</i>	SB 848 (Wolk) <i>(July 2, 2014, Version)</i>	AB 2686 (Perea) <i>(As proposed to be amended July 1, 2014, Version)</i>	IRWD's Asks <i>(As of January 21, 2014)</i>
<b>Water Quality/Clean and Safe Water</b>	<b>\$1.455 billion</b>	<b>\$880 million to \$1 billion</b>	<b>\$1.715 to \$2 billion</b> <i>(Chapter 5 &amp; 6)</i>	<b>\$1.8 billion</b> <i>(Chapter 5 &amp; 11)</i>	
Water Quality in Disadvantaged Communities	\$90 million <i>(funding placed in Chapter 5)</i>			Funding outlined below.	
State Water Pollution Control Revolving Fund Small Community Grant Fund	\$75 million <i>(funding placed in Chapter 5)</i>		\$290.400 million <i>(Chapter 6)</i>	\$400 million	
Public Health Emergency Funding		\$200 million	\$70.400 million <i>(Chapter 5)</i>	\$100 million	
Water Quality in Private Wells Serving Disadvantaged Communities				\$10 million of the \$100 million may be made available for grants to private well owners that have no other source of water and serve members of a disadvantaged community.	
Safe Drinking Water (Public Infrastructure Improvements)	\$290 million <i>(funding placed in Chapter 5)</i>	\$200 million	\$285.400 million <i>(Chapter 5)</i>	\$400 million	
Groundwater Quality	\$1.0 billion <i>(funding placed in Chapter 10)</i>	\$450 million <del>included in funding.</del>	\$1.07 to \$1 billion <i>(Chapter 5)</i>	\$900 million <i>(Chapter 11)</i>	
<b>Watersheds</b>	<b>\$1.785 billion</b> <i>(Chapter 9)</i>	<b>\$1.175 billion to \$1 billion</b>	<b>\$1.180 to \$1.78 billion</b> <i>(Chapter 6)</i>	<b>\$950 million</b> <i>(Chapter 6)</i>	
Regional Watershed Funds	\$1.535 billion	\$700 million <del>included in funding.</del>	\$915 million to \$275 billion*	\$475 million*	
			* \$780 million is now being given to specific conservancies and \$135 million is dedicated for urban creeks. <i>(Chapter 6)</i>	* \$325 million is now being given to specific conservancies and \$150-million, in two different pots, is dedicated for urban creeks, multibenefit watershed and urban rivers enhancement projects in urban watersheds	
State Obligations	\$250 Funding is allocated for Klamath River dam removal.	\$475 million Includes funding for state settlement obligations including the CVPIA.	\$165.250 million Includes funding the State's obligation for Quantification Settlement Agreement, San Joaquin River Restoration Settlement, and Tahoe Regional Planning Compact. <i>(Chapter 6)</i>	\$475 million The funds are made available to the Natural Resources Agency to support projects that fulfill State obligations related to interstate or multiparty settlement agreements.	
Natural Resource Agency Support of State Conservancies	\$250 million				
Misc	\$250 million		\$100.455 million		
<b>Regional Water Security/Water Supply Reliability</b>	<b>\$2.65 billion</b>	<b>\$1.2 billion to \$1.4 billion</b> <i>(funding in Chapter 6)</i>	<b>\$1.755 to \$4 billion</b> <i>(Chapter 5 &amp; 6)</i>	<b>\$2.0 billion</b> <i>(Chapter 7 &amp; Chapter 10)</i>	
Integrated Water Management Plans	\$1.4 billion <i>(funding in Chapter 6)</i>	\$450 million <del>included in funding.</del>	\$825 million to \$4 billion <i>(Chapter 5)</i>	\$500 million*	
Orange County's IRWMP Allocation	\$128 million of the \$1.4 billion is designated to the Santa Ana Region, which includes all of Orange County.		\$103.474 million of the \$825 million to \$4 billion is designated to the Santa Ana subregion & \$81.438 million is designated to the San Diego subregion	\$43.5 million of the \$500 million is designated to the Santa Ana Region and \$43.5 million is designated to the San Diego subregion	
Water Conservation	\$250 million <i>(funding in Chapter 11)</i>	\$100 million <del>included in funding.</del>	\$100 million <i>(Chapter 5)</i>	\$100 million	
Multibenefit Stormwater Management Projects		\$200 million <del>included in funding.</del>	\$330.400 million <i>(Chapter 6)</i>	\$200 million	
Water Recycling & Advanced Treatment Technology Projects	\$1.0 billion <i>(funding in Chapter 11)</i>	\$450 million <del>included in funding.</del>	\$500 million for grants <i>(Chapter 6)</i>	\$900 million for grants or loans <i>(Chapter 10)</i>	\$1 billion with funding provided outside of the IRWMP process.
Local and regional drought relief projects					
Local and regional conveyance projects				\$200 million	

**Summary of Water Bond Proposals, Page 2**  
 (Please note that changes from the last version have been placed in blue text)

	<b>SB7x 2</b> <i>(Bond Currently on the November 2014 ballot)</i>	<b>Governor's Proposal</b> <i>(August 5, 2014, February 29, 2014, Version)</i>	<b>SB 848 (Wolk)</b> <i>(July 2, 2014, Version)</i>	<b>AB 2686 (Perea)</b> <i>(As proposed to be amended July 1, 2014, Version)</i>	<b>IRWD's Asks</b> <i>(As of January 21, 2014)</i>
<b>Delta Sustainability</b>	<b>\$2.25 billion</b> <i>(Chapter 7)</i>	<b>\$475,000 million</b>	<b>\$850 million / \$3 billion</b> <i>(Chapter 7)</i>	<b>\$650 million</b> <i>(Chapter 8)</i>	<b>\$2.25 billion</b>
Ecosystem Restoration	\$1.5 billion	<del>\$175 million included in funding.</del>	\$500,000 million available to the Delta Conservancy	\$250 million available to the Department of Fish and Wildlife	
Flood/Levee Improvements		<del>\$300 million included in funding.</del>	\$350,000 million	\$400 million	
<b>Water Storage</b>	<b>\$3.0 billion</b> <i>(Chapter 8)</i>	<b>\$ 2 billion</b>	<b>\$2.0 / 3.0 billion</b> <i>(Chapter 8)</i>	<b>\$2.75 billion</b> <i>(Chapter 9)</i>	<b>\$3.0 billion</b>
Continuous Appropriation Provisions	<i>includes continuous appropriation</i>	<i>includes continuous appropriation</i>	<i>includes continuous appropriation</i>	<i>includes continuous appropriation</i>	<i>include continuous appropriation</i>
Eligible Storage Projects	Surface Storage Groundwater storage Groundwater aquifer remediation or contamination prevention	Surface Storage Groundwater storage Groundwater aquifer remediation or contamination prevention  Projects that result in a permanent reduction of water exported from the Delta and a transfer of the equivalent water right to instream flow Recycled water storage Conjunctive use & reservoir reoperation	Surface Storage Groundwater storage Conjunctive use & reservoir reoperation	Surface Storage Groundwater storage Groundwater aquifer remediation or contamination prevention Conjunctive use and reservoir reoperation	Recycled water storage should be added as a permissible use of these funds
<b>Flood Control &amp; Stormwater Management</b>		<b>\$300,000 million</b>		<b>\$100 million</b> <i>(Chapter 12)</i>	
Central Valley Flood Protection Plan					
Natural Resources Agency Flood Control Projects					
Control of Runoff from Agricultural Lands					
<b>Total Investment (in billions)</b>	<b>\$11.14 billion</b>	<b>\$6 billion</b>	<b>\$7.5 / 4.5 billion</b>	<b>\$8.25 billion</b>	

## EXHIBIT "C"

### SUMMARY OF SB 1168 (PAVLEY) & AB 1739 (DICKINSON)

#### *THESE BILLS WOULD:*

Establish the Sustainable Groundwater Management Act:

- Applies to groundwater basins.
- Applies to the United States & an Indian tribe to the extent authorized under federal or tribal law.

The Act does not apply to:

- Adjudicated basins, except for the provision of the judgment or judicial order & annual reporting of groundwater use.
- Low & very low priority basins, though such basins are encouraged to adopt groundwater sustainability plans.

Timetable:

- By January 1, 2017:
  - Local agencies must identify whether they elect to be, or to form, a groundwater sustainability agency. There can be more than one groundwater sustainability agency for a basin.
  - The entire basin must be covered by one or more groundwater sustainability agencies; i.e. no “unmanaged areas.”
  - Counties are presumed to be the default groundwater sustainability agency if no other local agency identifies itself as such; counties may elect, or decline, to undertake the role.
  - If there is more than one groundwater sustainability agency for a basin, the agencies must coordinate their planning.
- By January 1, 2020:
  - Each high & medium priority basin must be covered by an adopted groundwater sustainability plan.
  - If there is more than one adopted groundwater sustainability plan for a basin, the plans must use common data & demonstrate how they are coordinated with each other to achieve the basin objectives.
- Annually, upon adoption of a groundwater sustainability plan:
  - Each groundwater sustainability agency would report to DWR groundwater data, including elevation, aggregate extraction, water usage & change in groundwater storage.  
*Note: additional refinements will be made in the bill to address reporting requirements.*
- Every 5 years after 2020:
  - Each groundwater sustainability agency and each local agency with a functional equivalent would recertify it is making progress towards achieving groundwater sustainability.
- By January 1, 2040:
  - Each high & medium priority basin shall achieve its sustainability goals.
  - DWR may grant an extension of up to 10 years upon a showing of good cause.

The groundwater sustainability agency shall:

- Consider the interests of all beneficial uses & users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:
  - Holders of overlying groundwater rights, including Agricultural & domestic well owners.
  - Municipal well operators.
  - Public water systems.
  - Local land use planning agencies.
  - Environmental users of groundwater.
  - Surface water users, if there is a hydrologic connection between surface & groundwater bodies.
  - The federal government, including, but not limited to, the military & managers of federal lands.
  - Indian tribes.
- Establish & maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, & availability of draft plans, maps, & other relevant documents.
- Inform the department of its election or formation & its intent to undertake sustainable groundwater management within 30 days of its election or formation.
- Be presumed to be the County for any area within a basin that is not within the management area of an existing groundwater sustainability agency; counties may elect, or decline, to undertake the role.

Agency powers & authorities:

- In addition to any other powers & authorities an agency may have, upon becoming an groundwater sustainability agency, the agency would be authorized to do the following:
  - To prepare & adopt a groundwater sustainability plan.
  - Adopt rules, regulations, ordinances, & resolutions.
  - To propose & update fees.
  - To monitor compliance & enforcement.
  - To require registration of groundwater extraction facilities.
  - To require every groundwater extraction facility be measured.
  - To appropriate & acquire surface water or groundwater & surface water or groundwater rights, import surface water or groundwater into the agency, & conserve & store that water within or outside the agency.
  - To transport, reclaim, purify, desalinate, treat, or otherwise manage & control polluted water, wastewater, or other waters for subsequent use.
  - File an action to determine the validity of the groundwater sustainability plan.
- This Act does not grant new authorities to groundwater sustainability agencies to do any of the following:
  - Issue permits for the construction, modification, or abandonment of groundwater wells
  - However, a county may authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells.

#### Contents of the plans:

- A groundwater sustainability plan must include:
  - A planning & implementation horizon of at least 50 years.
  - Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of implementing the plan.
  - A description of the physical setting & characteristics of the aquifer system underlying the basin.
  - A description of how the plan helps meet each objective & how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.
  - Components relating to the monitoring & management of groundwater levels, groundwater quality degradation, inelastic land surface subsidence, & changes in surface flow & surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.
  - Mitigation of overdraft.
- A groundwater sustainability plan may when appropriate & in collaboration with the appropriate local agencies include any of the following:
  - Control of saline water intrusion.
  - Wellhead protection areas & recharge areas.
  - Migration of contaminated groundwater.
  - A well abandonment & well destruction program.
  - Replenishment of groundwater extractions.
  - Activities implementing, opportunities for, & impediments to, conjunctive use.
  - Well construction policies.
  - Measures addressing groundwater contamination cleanup, recharge, diversions to storage, conservation, water recycling, conveyance, & extraction projects.
  - Efficient water management practices.
  - Efforts to develop relationships with state & federal regulatory agencies.
  - Processes to review land use plans & efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.

#### Functional equivalence:

- Local agencies in high and medium priority groundwater basins that demonstrate that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years will be in compliance with the plan requirements.  
***Note: additional refinements will be made in the bill to address functional equivalency.***

#### Coordination of multiple plans for a basin:

- If multiple groundwater sustainability agencies cover a basin, there must be a coordination agreement that covers the entire basin & ensures that the plans utilize the same data for the following assumptions in developing the plan:
  - Groundwater elevation data.
  - Groundwater extraction data.
  - Surface water supply.
  - Total water use.



- Change in groundwater storage.
- Water budget.
- Sustainable yield.

**DWR Review Note: additional refinements will be made in the bill to clarify this process:**

- By June 1, 2016, DWRs shall develop guidelines for evaluating groundwater sustainability plans & groundwater sustainability programs.
- The guidelines shall identify the necessary plan components & other information that will assist local agencies in developing & implementing groundwater sustainability plans & groundwater sustainability programs.
- Upon completion of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to DWR for review.
- DWR shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency & issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by DWR.
- At least every five years after submission, DWR, in consultation with the board, shall review the basin conditions and the progress in implementing a groundwater sustainability plan, or a plan or program deemed to be a functional equivalent for consistency with this part, including achieving the sustainability goal.
- DWR shall adopt a schedule of fees to recover costs incurred in carrying out this chapter.

**State Intervention Note: additional refinements will be made in the bill to clarify this process:**

- General provisions:
  - Intervention is not mandatory; the state water board always may exercise discretion.
  - The board has discretion to apply pressure incrementally.
  - 2- & 5-year safe havens for governance & plans, respectively.
- The four conditions that would allow state intervention:
  1. When local authorities fail to have subbasin-wide governance in 2 years.
  2. When local authorities fail to adopt a subbasin-wide plan in 5 years.
  3. When DWR determines that a plan is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
  4. When DWR determines that implementation is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
- The board will consult with DWR in assessing overdraft or surface water depletions.
- Long term overdraft is defined so that drought won't trigger intervention.
- Process:
  - If any of the four above conditions apply, the board may designate a basin as a probationary basin:
    - The board is required to identify specific deficiencies.
    - Deficiencies are limited to overdraft or surface water problems – not other problems with plans.
    - Designation triggers a 180-day cure period. During the cure period, the board may appoint a mediator to assist local agencies. The board may require extractors to report extractions.

- If the local agency does not cure the deficiency, the state water board may proceed with an interim plan:
  - The interim plan would address the deficiencies identified in the probation designation & are thus limited to overdraft & surface water issues, not other problems.
  - The board may tailor remedies within a subbasin by relying on local groundwater sustainability plans that are working well & focusing on problem areas.
  - The board may stay action or rescind its interim plan if local agencies are making good progress on a groundwater sustainability plan or an adjudication, even if the progress or adjudication is incomplete.
- If it limits extractions, the board must follow water right priorities to the extent feasible.
- The board may impose fees on extractors to pay its costs.

These bills would also:

- Establish that it is the policy of the state that groundwater resources be managed sustainably for long term water supply reliability & multiple economic, social, or environmental benefits for current & future beneficial uses.
- Require a city or county planning agency, before adopting or substantially amending a general plan, to review & consider groundwater sustainability plans.
- DWR may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development & implementation of a groundwater sustainability plan. DWR shall use its best efforts to provide the requested assistance.
- A basin's boundaries are those identified in Bulletin 118 unless other basin boundaries are established pursuant to this Act:
  - A local agency may request DWR to revise the boundaries of a basin, including the establishment of new subbasins.
  - A local agency's request shall be supported by information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management; technical information regarding the boundaries of, & conditions in, the proposed adjusted basin; & information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies & public water systems in the affected basins before filing the proposal with the department
- DWR shall prioritize basins & subbasins as provided in CASGEM (California State Groundwater Elevation Monitoring).
- DWR, in consultation with California Department of Fish & Wildlife, shall identify & develop criteria to identify groundwater basins & subbasins that should be prioritized based on adverse impacts to habitat & surface water resources. The criteria shall be incorporated into the determination of basin & subbasin prioritization at the department's next update of basin & subbasin prioritizations that occurs after January 1, 2017.
- Nothing in the bill prevents a legal action to adjudicate water rights.

AMENDED IN ASSEMBLY AUGUST 6, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1168**

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

February 20, 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, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term ~~water supply~~ reliability and

multiple economic, social, ~~or~~ and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) 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, *with certain exceptions*, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being ~~renewed, except for a low- or very low priority basin.~~ *renewed.*

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability

plan or coordinated groundwater sustainability ~~plans of a groundwater sustainability agency, plans,~~ with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. ~~This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.~~ This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater ~~pumping,~~ *extraction*, and to impose certain fees.

This 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.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon ~~completion.~~ *adoption.* This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop ~~guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs.~~ *certain guidelines.* This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative

~~plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years.~~ *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 require the department to adopt a schedule of fees to recover costs incurred.

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or 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.

**Existing**

(4) *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 ~~board's~~ *State Water Resources Control Board's* water rights program.

*This bill would provide that the money in the Water Rights Fund is 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 for the purpose of administering the above-described provisions: 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 ~~the above-described provisions: any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.~~

(5) *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 to the board or certain other entity 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. 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)~~

(6) 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 ~~of~~ *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 public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

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

~~(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins~~



identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.

(6)

(7) 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)

(8) 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.

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

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

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the  
3 protection, management, and reasonable beneficial use of the water  
4 resources of the state, both surface and underground, and that the  
5 integrated management of the state's water resources is essential  
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California's  
8 water supply. Groundwater accounts for more than one-third of  
9 the water used by Californians in an average year and more than  
10 one-half of the water used by Californians in a drought year when  
11 other sources are unavailable.

12 (3) Excessive groundwater ~~pumping~~ extraction can cause  
13 overdraft, failed wells, deteriorated water quality, environmental  
14 damage, and irreversible land subsidence that damages  
15 infrastructure and diminishes the capacity of aquifers to store water  
16 for the future.

1 (4) When properly managed, groundwater resources will help  
2 protect communities, farms, and the environment against prolonged  
3 dry periods and climate change, preserving water supplies for  
4 existing and potential beneficial use.

5 (5) Failure to manage groundwater to prevent long-term  
6 overdraft infringes on groundwater rights.

7 (6) Groundwater resources are most effectively managed at the  
8 local or regional level.

9 (7) Groundwater management will not be effective unless local  
10 actions to sustainably manage groundwater basins and subbasins  
11 are taken.

12 (8) Local and regional agencies need to have the necessary  
13 support and authority to manage groundwater sustainably.

14 (9) In those circumstances where a local groundwater  
15 management agency is not managing its groundwater sustainably,  
16 the state needs to protect the resource until it is determined that a  
17 local groundwater management agency can sustainably manage  
18 the groundwater basin or subbasin.

19 (10) Information on the amount of groundwater extraction,  
20 natural and artificial recharge, and groundwater evaluations are  
21 critical for effective management of groundwater.

22 (11) Sustainable groundwater management in California depends  
23 upon creating more opportunities for robust conjunctive  
24 management of surface water *and groundwater* resources. Climate  
25 change will intensify the need to recalibrate and reconcile surface  
26 *water* and groundwater management strategies.

27 (b) It is therefore the intent of the Legislature to do all of the  
28 following:

29 (1) To provide local and regional agencies the authority to  
30 sustainably manage groundwater.

31 (2) To provide that if no local groundwater agency or agencies  
32 provide sustainable groundwater management for a groundwater  
33 basin or subbasin, the state has the authority to develop and  
34 implement a ~~groundwater sustainability~~ *an interim* plan until the  
35 time the local groundwater ~~management sustainability~~ agency or  
36 agencies can assume management of the basin or subbasin.

37 (3) To require the development and reporting of those data  
38 necessary to support sustainable groundwater management,  
39 including those data that help describe the basin's geology, the  
40 short- and long-term trends of the basin's water balance, and other

1 measures of sustainability, and those data necessary to resolve  
2 disputes regarding sustainable yield, beneficial uses, and water  
3 rights.

4 (4) To respect overlying and other proprietary rights to  
5 groundwater.

6 SEC. 2. Section 65350.5 is added to the Government Code, to  
7 read:

8 65350.5. Before the adoption or any substantial amendment  
9 of a city's or county's general plan, the planning agency shall  
10 review and consider all of the following:

11 (a) An adoption of, or update to, a groundwater sustainability  
12 plan or groundwater management plan pursuant to Part 2.74  
13 (commencing with Section 10720) or Part 2.75 (commencing with  
14 Section 10750) of Division 6 of the Water Code or groundwater  
15 management court order, judgment, or decree.

16 (b) An adjudication of water rights.

17 (c) An order *or interim plan* by the State Water Resources  
18 Control Board pursuant to Chapter 11 (commencing with Section  
19 10735) of Part 2.74 of Division 6 of the Water Code.

20 SEC. 3. Section 65352 of the Government Code is amended  
21 to read:

22 65352. (a) Before a legislative body takes action to adopt or  
23 substantially amend a general plan, the planning agency shall refer  
24 the proposed action to all of the following entities:

25 (1) A city or county, within or abutting the area covered by the  
26 proposal, and any special district that may be significantly affected  
27 by the proposed action, as determined by the planning agency.

28 (2) An elementary, high school, or unified school district within  
29 the area covered by the proposed action.

30 (3) The local agency formation commission.

31 (4) An areawide planning agency whose operations may be  
32 significantly affected by the proposed action, as determined by the  
33 planning agency.

34 (5) A federal agency, if its operations or lands within its  
35 jurisdiction may be significantly affected by the proposed action,  
36 as determined by the planning agency.

37 (6) (A) The branches of the United States Armed Forces that  
38 have provided the Office of Planning and Research with a  
39 California mailing address pursuant to subdivision (d) of Section  
40 65944, if the proposed action is within 1,000 feet of a military

1 installation, or lies within special use airspace, or beneath a  
2 low-level flight path, as defined in Section 21098 of the Public  
3 Resources Code, and if the United States Department of Defense  
4 provides electronic maps of low-level flight paths, special use  
5 airspace, and military installations at a scale and in an electronic  
6 format that is acceptable to the Office of Planning and Research.

7 (B) Within 30 days of a determination by the Office of Planning  
8 and Research that the information provided by the Department of  
9 Defense is sufficient and in an acceptable scale and format, the  
10 office shall notify cities, counties, and cities and counties of the  
11 availability of the information on the Internet. Cities, counties, and  
12 cities and counties shall comply with subparagraph (A) within 30  
13 days of receiving this notice from the office.

14 (7) A public water system, as defined in Section 116275 of the  
15 Health and Safety Code, with 3,000 or more service connections,  
16 that serves water to customers within the area covered by the  
17 proposal. The public water system shall have at least 45 days to  
18 comment on the proposed plan, in accordance with subdivision  
19 (b), and to provide the planning agency with the information set  
20 forth in Section 65352.5.

21 (8) Any groundwater sustainability agency that has adopted a  
22 groundwater sustainability plan pursuant to Part 2.74 (commencing  
23 with Section 10720) of Division 6 of the Water Code or local  
24 agency that otherwise manages groundwater pursuant to other  
25 provisions of law or a court order, judgment, or decree within the  
26 planning area of the proposed general plan.

27 (9) The State Water Resources Control Board, if it has adopted  
28 an interim plan pursuant to ~~Part 2.74 (commencing with Section~~  
29 ~~10720)~~ *Chapter 11 (commencing with Section 10735) of Part 2.74*  
30 of Division 6 of the Water Code that includes territory within the  
31 planning area of the proposed general plan.

32 (10) The Bay Area Air Quality Management District for a  
33 proposed action within the boundaries of the district.

34 (11) A California Native American tribe, that is on the contact  
35 list maintained by the Native American Heritage Commission and  
36 that has traditional lands located within the city's or county's  
37 jurisdiction.

38 (12) The Central Valley Flood Protection Board, for a proposed  
39 action within the boundaries of the Sacramento and San Joaquin  
40 Drainage District, as set forth in Section 8501 of the Water Code.

1 (b) An entity receiving a proposed general plan or amendment  
2 of a general plan pursuant to this section shall have 45 days from  
3 the date the referring agency mails it or delivers it to comment  
4 unless a longer period is specified by the planning agency.

5 (c) (1) This section is directory, not mandatory, and the failure  
6 to refer a proposed action to the entities specified in this section  
7 does not affect the validity of the action, if adopted.

8 (2) To the extent that the requirements of this section conflict  
9 with the requirements of Chapter 4.4 (commencing with Section  
10 65919), the requirements of Chapter 4.4 shall prevail.

11 SEC. 4. Section 65352.5 of the Government Code is amended  
12 to read:

13 65352.5. (a) The Legislature finds and declares that it is vital  
14 that there be close coordination and consultation between  
15 California's water supply or management agencies and California's  
16 land use approval agencies to ensure that proper water supply and  
17 management planning occurs to accommodate projects that will  
18 result in increased demands on water supplies or impact water  
19 resource management.

20 (b) It is, therefore, the intent of the Legislature to provide a  
21 standardized process for determining the adequacy of existing and  
22 planned future water supplies to meet existing and planned future  
23 demands on these water supplies and the impact of land use  
24 decisions on the management of California's water supply  
25 resources.

26 (c) Upon receiving, pursuant to Section 65352, notification of  
27 a city's or a county's proposed action to adopt or substantially  
28 amend a general plan, a public water system, as defined in Section  
29 116275 of the Health and Safety Code, with 3,000 or more service  
30 connections, shall provide the planning agency with the following  
31 information, as is appropriate and relevant:

32 (1) The current version of its urban water management plan,  
33 adopted pursuant to Part 2.6 (commencing with Section 10610)  
34 of Division 6 of the Water Code.

35 (2) The current version of its capital improvement program or  
36 plan, as reported pursuant to Section 31144.73 of the Water Code.

37 (3) A description of the source or sources of the total water  
38 supply currently available to the water supplier by water right or  
39 contract, taking into account historical data concerning wet, normal,  
40 and dry runoff years.

- 1 (4) A description of the quantity of surface water that was
- 2 purveyed by the water supplier in each of the previous five years.
- 3 (5) A description of the quantity of groundwater that was
- 4 purveyed by the water supplier in each of the previous five years.
- 5 (6) A description of all proposed additional sources of water
- 6 supplies for the water supplier, including the estimated dates by
- 7 which these additional sources should be available and the
- 8 quantities of additional water supplies that are being proposed.
- 9 (7) A description of the total number of customers currently
- 10 served by the water supplier, as identified by the following
- 11 categories and by the amount of water served to each category:
- 12 (A) Agricultural users.
- 13 (B) Commercial users.
- 14 (C) Industrial users.
- 15 (D) Residential users.
- 16 (8) Quantification of the expected reduction in total water
- 17 demand, identified by each customer category set forth in paragraph
- 18 (7), associated with future implementation of water use reduction
- 19 measures identified in the water supplier’s urban water
- 20 management plan.
- 21 (9) Any additional information that is relevant to determining
- 22 the adequacy of existing and planned future water supplies to meet
- 23 existing and planned future demands on these water supplies.
- 24 (10) A report on the anticipated effect of proposed action to
- 25 adopt or substantially amend a general plan on implementation of
- 26 a groundwater sustainability plan pursuant to Part 2.74
- 27 (commencing with Section 10720) of Division 6 of the Water
- 28 Code.
- 29 (d) Upon receiving, pursuant to Section 65352, notification of
- 30 a city’s or a county’s proposed action to adopt or substantially
- 31 amend a general plan, a groundwater sustainability agency, as
- 32 defined in Section ~~10720.5~~ 10721 of the Water Code, shall provide
- 33 the planning agency with the following information, as is
- 34 appropriate and relevant:
- 35 (1) The current version of its groundwater sustainability plan
- 36 adopted pursuant to Part 2.74 (commencing with Section 10720)
- 37 of Division 6 of the Water Code.
- 38 (2) If the groundwater sustainability agency manages
- 39 groundwater pursuant to a court order, judgment, decree, or
- 40 agreement among affected water rights holders, or if the State

1 Water Resources Control Board has adopted a groundwater  
2 sustainability *an interim* plan pursuant to ~~Part 2.74 (commencing~~  
3 ~~with Section 10720) Chapter 11 (commencing with Section 10735)~~  
4 *of Part 2.74* of Division 6 of the Water Code, the groundwater  
5 sustainability agency shall provide the planning agency with maps  
6 of recharge basins and percolation ponds, extraction limitations,  
7 and other relevant information, or the court order, judgment, or  
8 decree.

9 SEC. 5. Section 113 is added to the Water Code, to read:

10 113. It is the policy of the state that groundwater resources be  
11 managed sustainably for long-term ~~water supply~~ reliability and  
12 multiple economic, social, ~~or~~ *and* environmental benefits for  
13 current and future beneficial uses. Sustainable groundwater  
14 management is best achieved locally through the development,  
15 implementation, and updating of plans and programs based on the  
16 best available science.

17 SEC. 6. Section 348 of the Water Code is amended to read:

18 348. (a) The department or the board may adopt emergency  
19 regulations providing for the electronic filing of reports of *water*  
20 *extraction or* water diversion or use required to be filed with the  
21 department or board under this code, including, but not limited to,  
22 any report required to be filed under Part 5.1 (commencing with  
23 Section 5100) *or Part 5.2 (commencing with Section 5200)* of  
24 Division 2 and any report required to be filed by a water right  
25 permittee or licensee.

26 (b) Emergency regulations adopted pursuant to this section, or  
27 any amendments thereto, shall be adopted by the department or  
28 the board in accordance with Chapter 3.5 (commencing with  
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
30 Code. The adoption of these regulations is an emergency and shall  
31 be considered by the Office of Administrative Law as necessary  
32 for the immediate preservation of the public peace, health, safety,  
33 and general welfare. Notwithstanding Chapter 3.5 (commencing  
34 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
35 Government Code, any emergency regulations or amendments to  
36 those regulations adopted under this section shall remain in effect  
37 until revised by the department or the board that adopted the  
38 regulations or amendments.

39 ~~SEC. 6.~~

40 SEC. 7. Section 1120 of the Water Code is amended to read:

1 1120. This chapter applies to any decision or order issued under  
 2 this part or Section 275, Part 2 (commencing with Section 1200),  
 3 Part 2 (commencing with Section 10500) of Division 6, Chapter  
 4 11 (commencing with Section 10735) of Part 2.74 of Division 6,  
 5 Article 7 (commencing with Section 13550) of Chapter 7 of  
 6 Division 7, or the public trust doctrine.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 1529.5 is added to the Water Code, to read:

9 1529.5. (a) The board shall adopt a schedule of fees pursuant  
 10 to Section 1530 to recover costs incurred in administering Chapter  
 11 11 (commencing with Section 10735) of Part 2.74 of Division 6.  
 12 Recoverable costs include, but are not limited to, costs incurred  
 13 in connection with investigations, facilitation, monitoring, hearings,  
 14 enforcement, and administrative costs in carrying out these actions.

15 (b) The fee schedule adopted under this section may include,  
 16 but is not limited to, the following:

17 (1) A fee for participation as a petitioner or party to an  
 18 adjudicative proceeding.

19 (2) A fee for the filing of a report pursuant to Part 5.2  
 20 (commencing with Section 5200) of Division ~~2 for extractions~~  
 21 ~~from a source within the boundaries of a probationary basin under~~  
 22 ~~Section 10735.2. 2.~~

23 (c) Consistent with Section 3 of Article XIII A of the California  
 24 Constitution, the board shall set the fees under this section in an  
 25 amount sufficient to cover all costs incurred and expended from  
 26 the Water Rights Fund for the ~~purpose of~~ *purposes of Part 5.2*  
 27 *(commencing with Section 5200) and Chapter 11 (commencing*  
 28 *with Section 10735) of Part 2.74 of Division 6. In setting these*  
 29 *fees, the board is not required to fully recover these costs in the*  
 30 *year or the year immediately after the costs are incurred, but the*  
 31 *board may provide for recovery of these costs over a period of*  
 32 *years.*

33 *SEC. 9. Section 1552 of the Water Code is amended to read:*

34 1552. The money in the Water Rights Fund is available for  
 35 expenditure, upon appropriation by the Legislature, for the  
 36 following purposes:

37 (a) For expenditure by the State Board of Equalization in the  
 38 administration of this chapter and the Fee Collection Procedures  
 39 Law (Part 30 (commencing with Section 55001) of Division 2 of



1 the Revenue and Taxation Code) in connection with any fee or  
2 expense subject to this chapter.

3 (b) For the payment of refunds, pursuant to Part 30 (commencing  
4 with Section 55001) of Division 2 of the Revenue and Taxation  
5 Code, of fees or expenses collected pursuant to this chapter.

6 (c) For expenditure by the board for the purposes of carrying  
7 out this division, Division 1 (commencing with Section 100), Part  
8 2 (commencing with Section 10500) and Chapter 11 (commencing  
9 with Section 10735) of Part 2.74 of Division 6, and Article 7  
10 (commencing with Section 13550) of Chapter 7 of Division 7.

11 (d) For expenditures by the board for the purposes of carrying  
12 out Sections 13160 and 13160.1 in connection with activities  
13 involving hydroelectric power projects subject to licensing by the  
14 Federal Energy Regulatory Commission.

15 (e) For expenditures by the board for the purposes of carrying  
16 out Sections 13140 and 13170 in connection with plans and policies  
17 that address the diversion or use of water.

18 ~~SEC. 8.~~

19 *SEC. 10.* Section 1831 of the Water Code is amended to read:

20 1831. (a) When the board determines that any person is  
21 violating, or threatening to violate, any requirement described in  
22 subdivision (d), the board may issue an order to that person to  
23 cease and desist from that violation.

24 (b) The cease and desist order shall require that person to comply  
25 forthwith or in accordance with a time schedule set by the board.

26 (c) The board may issue a cease and desist order only after  
27 notice and an opportunity for hearing pursuant to Section 1834.

28 (d) The board may issue a cease and desist order in response to  
29 a violation or threatened violation of any of the following:

30 (1) The prohibition set forth in Section 1052 against the  
31 unauthorized diversion or use of water subject to this division.

32 (2) Any term or condition of a permit, license, certification, or  
33 registration issued under this division.

34 (3) Any decision or order of the board issued under this part,  
35 Section 275, Chapter 11 (commencing with Section 10735) of Part  
36 2.74 of Division 6, or Article 7 (commencing with Section 13550)  
37 of Chapter 7 of Division 7, in which decision or order the person  
38 to whom the cease and desist order will be issued, or a predecessor  
39 in interest to that person, was named as a party directly affected  
40 by the decision or order.

- 1 (4) A regulation adopted under Section 1058.5.  
 2 (5) Any ~~pumping~~ *extraction* restriction, limitation, order, or  
 3 regulation adopted or issued under Chapter 11 (commencing with  
 4 Section 10735) of Part 2.74 of Division 6.  
 5 (e) This article does not authorize the board to regulate in any  
 6 manner, the diversion or use of water not otherwise subject to  
 7 regulation of the board under this division or Section 275.

8 ~~SEC. 9.~~

9 *SEC. 11.* Part 5.2 (commencing with Section 5200) is added  
 10 to Division 2 of the Water Code, to read:

11

12 PART 5.2. GROUNDWATER EXTRACTION REPORTING  
 13 FOR PROBATIONARY BASINS AND BASINS WITHOUT A  
 14 GROUNDWATER SUSTAINABILITY AGENCY

15

16 ~~5200. It is the intent of the Legislature to subsequently amend~~  
 17 ~~this measure to adopt extraction reporting requirements for basins~~  
 18 ~~identified as probationary basins pursuant to Section 10735.2, or~~  
 19 ~~as authorized by subdivision (b) of Section 10724, for basins~~  
 20 ~~without a groundwater sustainability agency.~~

21 *5200. The Legislature finds and declares that this part*  
 22 *establishes groundwater reporting requirements for the purposes*  
 23 *of subdivision (b) of Section 10724 and Chapter 11 (commencing*  
 24 *with Section 10735) of Part 2.74 of Division 6.*

25 *5201. As used in this part:*

- 26 (a) *“Basin” has the same meaning as defined in Section 10721.*  
 27 (b) *“Board-designated local area” has the same meaning as*  
 28 *defined in Section 5009.*  
 29 (c) *“De minimis extractor” has the same meaning as defined*  
 30 *in Section 10721.*  
 31 (d) *“Groundwater” has the same meaning as defined in Section*  
 32 *10721.*  
 33 (e) *“Groundwater extraction facility” has the same meaning*  
 34 *as defined in Section 10721.*  
 35 (f) *“Groundwater sustainability agency” has the same meaning*  
 36 *as defined in Section 10721.*  
 37 (g) *“Person” has the same meaning as defined in Section 10735.*  
 38 (h) *“Probationary basin” has the same meaning as defined in*  
 39 *Section 10735.*

1 (i) "Personal information" has the same meaning as defined  
2 in Section 1798.3 of the Civil Code.

3 (j) "Water year" has the same meaning as defined in Section  
4 10721.

5 5202. (a) This section applies to a person who does either of  
6 the following:

7 (1) Extracts groundwater from a probationary basin 90 days  
8 or more after the board designates the basin as a probationary  
9 basin pursuant to Section 10735.2.

10 (2) Extracts groundwater on or after January 1, 2017, in an  
11 area within a basin that is not within the management area of a  
12 groundwater sustainability agency and where the county does not  
13 assume responsibility to be the groundwater sustainability agency,  
14 as provided in subdivision (b) of Section 10724.

15 (b) Except as provided in subdivision (c), a person subject to  
16 this section shall file a report of groundwater extraction by  
17 December 15 of each year for extractions made in the preceding  
18 water year.

19 (c) Unless reporting is required pursuant to paragraph (2) of  
20 subdivision (c) of Section 10735.2, this section does not apply to  
21 any of the following:

22 (1) An extraction by a de minimis extractor.

23 (2) An extraction excluded from reporting pursuant to paragraph  
24 (1) of subdivision (c) of Section 10735.2.

25 (3) An extraction reported pursuant to Part 5 (commencing with  
26 Section 4999).

27 (4) An extraction that is included in annual reports filed with  
28 a court or the board by a watermaster appointed by a court or  
29 pursuant to statute to administer a final judgment determining  
30 rights to water. The reports shall identify the persons who have  
31 extracted water and give the general place of use and the quantity  
32 of water that has been extracted from each source.

33 (d) Except as provided in Section 5209, the report shall be filed  
34 with the board.

35 (e) The report may be filed by the person extracting water or  
36 on that person's behalf by an agency that person designates and  
37 that maintains a record of the water extracted.

38 (f) Each report shall be accompanied by the fee imposed  
39 pursuant to Section 1529.5.

1 5203. Each report shall be prepared on a form provided by  
2 the board. The report shall include all of the following information:

3 (a) The name and address of the person who extracted  
4 groundwater and of the person filing the report.

5 (b) The name of the basin from which groundwater was  
6 extracted.

7 (c) The place of groundwater extraction. The location of the  
8 groundwater extraction facilities shall be depicted on a specific  
9 United States Geological Survey topographic map or shall be  
10 identified using the California Coordinate System or a latitude  
11 and longitude measurement. If assigned, the public land description  
12 to the nearest 40-acre subdivision and the assessor's parcel  
13 number shall be provided.

14 (d) The capacity of the groundwater extraction facilities.

15 (e) Monthly records of groundwater extractions. The  
16 measurements of the extractions shall be made by a methodology,  
17 water-measuring device, or combination thereof satisfactory to  
18 the board.

19 (f) The purpose of use.

20 (g) A general description of the area in which the water was  
21 used. The location of the place of use shall be depicted on a specific  
22 United States Geological Survey topographic map or on any other  
23 maps with identifiable landmarks. If assigned, the public land  
24 description to the nearest 40-acre subdivision and the assessor's  
25 parcel number shall also be provided.

26 (h) As near as is known, the year in which the groundwater  
27 extraction was commenced.

28 (i) Any information required pursuant to paragraph (3) of  
29 subdivision (c) of Section 10735.2.

30 (j) Any other information that the board may require by  
31 regulation and that is reasonably necessary for purposes of this  
32 division or Part 2.74 (commencing with Section 10720) of Division  
33 6.

34 5204. (a) If a person fails to file a report as required by this  
35 part, the board may, at the expense of that person, investigate and  
36 determine the information required to be reported pursuant to this  
37 part.

38 (b) The board shall give a person described in subdivision (a)  
39 notice of its intention to investigate and determine the information

1 *required to be reported pursuant to this part and 60 days in which*  
2 *to file a required report without penalty.*

3 *5205. A report submitted under this part or a determination*  
4 *of facts by the board pursuant to Section 5104 shall not establish*  
5 *or constitute evidence of a right to divert or use water.*

6 *5206. Personal information included in a report of groundwater*  
7 *extraction shall have the same protection from disclosure as is*  
8 *provided for information concerning utility customers of local*  
9 *agencies pursuant to Section 6254.16 of the Government Code.*

10 *5207. (a) A prescriptive right to extract groundwater that may*  
11 *otherwise occur shall not arise or accrue to, and a statute of*  
12 *limitations shall not operate in favor of, a person required to file*  
13 *a report pursuant to this part until the person files the report.*

14 *(b) For purposes of establishing or maintaining a water right,*  
15 *failure to file a report required to be filed pursuant to this part*  
16 *within six months after the report is due shall be deemed equivalent*  
17 *to nonuse during the period for which the report was required.*

18 *5208. Section 5107 applies to a report or measuring device*  
19 *required pursuant to this part. For purposes of Section 5107, a*  
20 *report of groundwater extraction, measuring device, or*  
21 *misstatement required, used, or made pursuant to this part shall*  
22 *be considered the equivalent of a statement, measuring device, or*  
23 *misstatement required, used, or made pursuant to Part 5.1*  
24 *(commencing with Section 5100).*

25 *5209. For groundwater extractions in a board-designated local*  
26 *area, reports required pursuant to this part shall be submitted to*  
27 *the entity designated pursuant to subdivision (e) of Section 5009*  
28 *if both of the following occur:*

29 *(a) The board determines that the requirements of subdivision*  
30 *(e) of Section 5009 have been satisfied with respect to extractions*  
31 *subject to reporting pursuant to this part, in addition to any*  
32 *groundwater extractions subject to Part 5 (commencing with*  
33 *Section 4999).*

34 *(b) The designated entity has made satisfactory arrangements*  
35 *to collect and transmit to the board any fees imposed pursuant to*  
36 *paragraph (2) of subdivision (b) of Section 1529.5.*

37 ~~SEC. 10.~~

38 *SEC. 12. Part 2.74 (commencing with Section 10720) is added*  
39 *to Division 6 of the Water Code, to read:*



1 the California Constitution, except that in basins designated  
2 medium- or high-priority basins by the department, no extraction  
3 of groundwater between January 1, 2015, and the date of adoption  
4 of a groundwater sustainability plan pursuant to this part, whichever  
5 is sooner, may be used as evidence of, or to establish or defend  
6 against, any claim of prescription.

7 ~~10720.7. Subject to Chapter 6 (commencing with Section~~  
8 ~~10725), by~~ By January 31, 2020, all basins designated as high- or  
9 medium-priority basins by the department shall be managed under  
10 a groundwater sustainability plan or coordinated groundwater  
11 sustainability plans pursuant to this part. The Legislature  
12 encourages and authorizes basins designated as low-and very low  
13 priority basins by the department to be managed under groundwater  
14 sustainability plans pursuant to this part.

15 ~~10720.9. (a) Except as provided in Section 10733.6,~~  
16 ~~subdivision (d), this part does not apply to the following~~  
17 ~~adjudicated areas or a local agency that conforms to the~~  
18 ~~requirements of an adjudication of water rights in a groundwater~~  
19 ~~basin or to that adjudicated basin. For purposes of this section, an~~  
20 ~~adjudication includes an adjudication under Section 2101, an~~  
21 ~~administrative adjudication, and an adjudication in state or federal~~  
22 ~~court, including, but not limited to, for one of the following~~  
23 ~~adjudicated groundwater basins: areas:~~

- 24 (1) Beaumont Basin.
- 25 (2) Brite Basin.
- 26 (3) Central Basin.
- 27 (4) Chino Basin.
- 28 (5) Cucamonga Basin.
- 29 (6) Cummings Basin.
- 30 (7) Goleta Basin.
- 31 (8) ~~Main San Gabriel Basin: Puente Narrows: Basin.~~
- 32 (9) Mojave Basin Area.
- 33 (10) Puente Basin.
- 34 (11) Raymond Basin.
- 35 (12) San Jacinto Basin.
- 36 (13) Santa Margarita River Watershed.
- 37 (14) Santa Maria Valley Basin.
- 38 (15) Santa Paula Basin.
- 39 (16) Scott River Stream System.
- 40 (17) Seaside Basin.

- 1 (18) Six Basins.
- 2 (19) Tehachapi Basin.
- 3 (20) Upper Los Angeles River Area.
- 4 (21) Warren Valley Basin.
- 5 (22) West Coast Basin.
- 6 (23) Western San Bernardino.
- 7 (b) The Antelope Valley basin at issue in the Antelope Valley
- 8 Groundwater Cases (Judicial Council Coordination Proceeding
- 9 Number 4408) shall be treated as an adjudicated basin pursuant to
- 10 this section if the superior court issues a final judgment, order, or
- 11 decree.
- 12 (c) *If an adjudication action has determined the rights to extract*
- 13 *groundwater for only a portion of a basin, subdivisions (a) and*
- 14 *(b) apply only within the area for which the adjudication action*
- 15 *has determined those rights.*
- 16 (d) *The watermaster or a local agency within a basin identified*
- 17 *in subdivision (a) shall do all of the following:*
- 18 (1) *By January 1, 2016, submit to the department a copy of a*
- 19 *governing final judgment, or other judicial order or decree, and*
- 20 *any amendments entered before January 1, 2016.*
- 21 (2) *Within 90 days of entry by a court, submit to the department*
- 22 *a copy of any amendment made and entered by the court to the*
- 23 *governing final judgment or other judicial order or decree on or*
- 24 *after January 1, 2016.*
- 25 (3) *By January 1, 2016, and annually by January 1 of each year*
- 26 *thereafter, submit to the department a report containing the*
- 27 *following information for the portion of the basin subject to the*
- 28 *adjudication:*
- 29 (A) *Groundwater elevation data.*
- 30 (B) *Annual aggregated data identifying groundwater extraction*
- 31 *for the preceding water year.*
- 32 (C) *Surface water supply used for or available for use for*
- 33 *groundwater recharge or in-lieu use.*
- 34 (D) *Total water use.*
- 35 (E) *Change in groundwater storage.*

36  
37 CHAPTER 2. DEFINITIONS

38  
39 10721. Unless the context otherwise requires, the following  
40 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-minimus *minimis* extractor” means a person who  
20 extracts, for 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.

31 (j) “Groundwater sustainability agency” means one or more  
32 local agencies that implement the provisions of this part. For  
33 purposes of imposing fees pursuant to Chapter 8 (commencing  
34 with Section 10730) or taking action to enforce a groundwater  
35 sustainability plan, “groundwater sustainability agency” also means  
36 each local agency comprising the groundwater sustainability  
37 agency if the plan authorizes separate agency action.

38 (k) “Groundwater sustainability plan” or “plan” means a plan  
39 of a groundwater sustainability agency proposed or adopted  
40 pursuant to this part.

1 (l) “Groundwater sustainability program” means a coordinated  
2 and ongoing activity undertaken to benefit a basin, pursuant to a  
3 groundwater sustainability plan.

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

7 (n) “Operator” means a person operating a groundwater  
8 extraction facility. The owner of a groundwater extraction facility  
9 shall be conclusively presumed to be the operator unless a  
10 satisfactory showing is made to the governing body of the  
11 groundwater sustainability agency that the groundwater extraction  
12 facility actually is operated by some other person.

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

16 (p) “Planning and implementation horizon” means a 50-year  
17 time period over which a groundwater sustainability agency  
18 determines that plans and measures will be implemented in a basin  
19 to ensure that the basin is operated within its sustainable yield.

20 (q) “Public water system” has the same meaning as defined in  
21 Section 116275 of the Health and Safety Code.

22 (r) “Recharge area” means the area that supplies water to an  
23 aquifer in a groundwater basin.

24 (s) “Sustainability goal” means the existence and implementation  
25 of one or more groundwater sustainability plans that achieve  
26 sustainable groundwater management by identifying and causing  
27 the implementation of measures targeted to ensure that the  
28 applicable basin is operated within its sustainable yield.

29 (t) “Sustainable groundwater management” means the  
30 management and use of groundwater in a manner that can be  
31 maintained during the planning and implementation horizon  
32 without causing undesirable results.

33 (u) “Sustainable yield” means the maximum quantity of water,  
34 calculated over a base period representative of long-term conditions  
35 in the basin and including any temporary surplus, that can be  
36 withdrawn annually from a groundwater supply without causing  
37 an undesirable result.

38 (v) “Undesirable result” means one or more of the following  
39 effects ~~occurring after January 1, 2015, and~~ caused by groundwater  
40 conditions occurring throughout the basin:

1 (1) Chronic lowering of groundwater levels indicating a  
2 significant and unreasonable depletion of supply if continued over  
3 the planning and implementation ~~horizon, excluding lowering~~  
4 ~~groundwater levels caused by a drought.~~ *horizon. Overdraft during*  
5 *a period of drought is not sufficient to establish a chronic lowering*  
6 *of groundwater levels if extractions and recharge are managed*  
7 *as necessary to ensure that reductions in groundwater levels or*  
8 *storage during a period of drought are offset by increases in*  
9 *groundwater levels or storage during other periods.*

10 (2) Significant and unreasonable reduction of groundwater  
11 storage.

12 (3) Significant seawater intrusion.

13 (4) Significant and unreasonable degraded water quality,  
14 including the migration of contaminant plumes that impair water  
15 supplies.

16 (5) Significant land subsidence that substantially interferes with  
17 surface land uses.

18 (6) Surface water depletions that have significant adverse  
19 impacts on beneficial uses.

20 (w) “Water budget” means an accounting of the total  
21 groundwater and surface water entering and leaving a basin  
22 including the changes in the amount of water stored.

23 (x) “Watermaster” means a watermaster appointed by a court  
24 or pursuant to other law.

25 (y) “Water year” means the period from October 1 through the  
26 following September 30, inclusive.

27 (z) “Wellhead protection area” means the surface and subsurface  
28 area surrounding a water well or well field that supplies a public  
29 water system through which contaminants are reasonably likely  
30 to migrate toward the water well or well field.

31  
32 CHAPTER 3. BASIN BOUNDARIES  
33

34 10722. Unless other basin boundaries are established pursuant  
35 to this chapter, a basin’s boundaries shall be as identified in  
36 Bulletin 118.

37 10722.2. (a) A local agency may request that the department  
38 revise the boundaries of a basin, including the establishment of  
39 new subbasins. A local agency’s request shall be supported by the  
40 following information:

1 (1) Information demonstrating that the proposed adjusted basin  
2 can be the subject of sustainable groundwater management.

3 (2) Technical information regarding the boundaries of, and  
4 conditions in, the proposed adjusted basin.

5 (3) Information demonstrating that the entity proposing the  
6 basin boundary adjustment consulted with interested local agencies  
7 and public water systems in the affected basins before filing the  
8 proposal with the department.

9 (4) Other information the department deems necessary to justify  
10 revision of the basin's boundary.

11 (b) By January 1, 2016, the department shall develop and publish  
12 guidelines regarding the information required to comply with  
13 subdivision (a). The guidelines required pursuant to this subdivision  
14 are exempt from Chapter 3.5 (commencing with Section 11340)  
15 of Part 1 of Division 3 of Title 2 of the Government Code.

16 (c) The department shall provide a copy of its draft revision of  
17 a basin's boundaries to the California Water Commission. The  
18 California Water Commission shall hear and comment on the draft  
19 revision within 60 days after the department provides the draft  
20 revision to the commission.

21 10722.4. (a) Pursuant to Section 10933, for the purposes of  
22 this part the department shall categorize each basin as one of the  
23 following priorities:

24 (1) High priority.

25 (2) Medium priority.

26 (3) Low priority.

27 (4) Very low priority.

28 (b) The initial priority for each basin shall be established by the  
29 department pursuant to Section 10933 no later than January 1,  
30 2017.

31 (c) *Anytime the department updates Bulletin 118 boundaries*  
32 *pursuant to subdivision (b) of Section 12924, the department shall*  
33 *reassess the prioritization pursuant to Section 10933.*

34 (d) *Anytime the department changes the basin priorities pursuant*  
35 *to Section 10933, if a basin is elevated to a medium or high priority*  
36 *basin after January 1, 2015, a local agency shall have two years*  
37 *from the date of reprioritization to establish a groundwater*  
38 *sustainability agency pursuant to Chapter 4 (commencing with*  
39 *Section 10723) and five years from the date of reprioritization to*

1 *adopt a groundwater sustainability plan pursuant to Chapter 6*  
2 *(commencing with Section 10727).*

3  
4 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY  
5 AGENCIES  
6

7 10723. (a) Any local agency or combination of local agencies  
8 may elect to be a groundwater sustainability agency.

9 (b) Before electing to be a groundwater sustainability agency,  
10 and after publication of notice pursuant to Section 6066 of the  
11 Government Code, the local agency or agencies shall hold a public  
12 hearing in the county or counties overlying the basin.

13 10723.2. The groundwater sustainability agency shall consider  
14 the interests of all beneficial uses and users of groundwater, as  
15 well as those responsible for implementing groundwater  
16 sustainability plans. These interests include, but are not limited to,  
17 all of the following:

18 (a) Holders of overlying groundwater rights, including:

19 (1) Agricultural users.

20 (2) Domestic well owners.

21 (b) Municipal well operators.

22 (c) Public water systems.

23 (d) Local land use planning agencies.

24 (e) Environmental users of groundwater.

25 (f) Surface water users, if there is a hydrologic connection  
26 between surface and groundwater bodies.

27 (g) The federal government, including, but not limited to, the  
28 military and managers of federal lands.

29 (h) ~~Indian~~-California Native American tribes.

30 10723.4. The groundwater sustainability agency shall establish  
31 and maintain a list of persons interested in receiving notices  
32 regarding plan preparation, meeting announcements, and  
33 availability of draft plans, maps, and other relevant documents.  
34 Any person may request, in writing, to be placed on the list of  
35 interested persons.

36 10723.6. A combination of local agencies may form a  
37 groundwater sustainability agency by using any of the following  
38 methods:

39 (a) A joint powers agreement.

40 (b) A memorandum of agreement or other legal agreement.

1 10723.8. Within 30 days of electing to be or forming a  
 2 groundwater sustainability agency, the groundwater sustainability  
 3 agency shall inform the department of its election or formation  
 4 and its intent to undertake sustainable groundwater management.  
 5 The notification shall include the following information, as  
 6 applicable:

7 (a) The service area boundaries, the basin the agency is  
 8 managing, and the other groundwater sustainability agencies  
 9 operating within the basin.

10 (b) A copy of the resolution forming the new agency.

11 (c) A copy of the bylaws, ordinances, and new authorities.

12 10724. (a) In the event that there is an area within a basin that  
 13 is not within the management area of a groundwater sustainability  
 14 agency, the county within which that unmanaged area lies will be  
 15 presumed to be the groundwater sustainability agency for that area.

16 (b) A county described in subdivision (a) shall provide  
 17 notification to the department pursuant to Section 10723.8 unless  
 18 the county notifies the department that it will not be the  
 19 groundwater sustainability agency for the area. Extractions of  
 20 groundwater made ~~after 2016~~ *on or after January 1, 2017*, in that  
 21 area shall be subject to reporting in accordance with Part 5.2  
 22 (commencing with Section 5200) of Division 2 if the county does  
 23 either of the following:

24 (1) Notifies the department that it will not be the groundwater  
 25 sustainability agency for an area.

26 (2) Fails to provide notification to the department pursuant to  
 27 Section 10723.8 for an area on or before January 1, 2017.

28  
 29 CHAPTER 5. POWERS AND AUTHORITIES  
 30

31 10725. (a) A groundwater sustainability agency may exercise  
 32 any of the powers described in this chapter in implementing this  
 33 part, in addition to, and not as a limitation on, any existing  
 34 authority, if the groundwater sustainability agency adopts and  
 35 submits to the department a groundwater sustainability plan or  
 36 prescribed alternative documentation in accordance with Section  
 37 10733.6.

38 (b) A groundwater sustainability agency has and may use the  
 39 powers in this chapter to provide the maximum degree of local

1 control and flexibility consistent with the sustainability goals of  
2 this part.

3 10725.2. (a) A groundwater sustainability agency may perform  
4 any act necessary or proper to carry out the purposes of this part.

5 (b) A groundwater sustainability agency may adopt rules,  
6 regulations, ordinances, and resolutions for the purpose of this  
7 part, in compliance with any procedural requirements applicable  
8 to the adoption of a rule, regulation, ordinance, or resolution by  
9 the groundwater sustainability agency.

10 (c) In addition to any other applicable procedural requirements,  
11 the groundwater sustainability agency shall provide notice of the  
12 proposed adoption of the groundwater sustainability plan on its  
13 Internet Web site and provide for electronic notice to any person  
14 who requests electronic notification.

15 10725.4. (a) A groundwater sustainability agency may conduct  
16 an investigation for the purposes of this part, including, but not  
17 limited to, investigations for the following:

- 18 (1) To determine the need for groundwater management.
- 19 (2) To prepare and adopt a groundwater sustainability plan and  
20 implementing rules and regulations.
- 21 (3) To propose and update fees.
- 22 (4) To monitor compliance and enforcement.

23 (b) An investigation may include surface waters and surface  
24 water rights as well as groundwater and groundwater rights.

25 (c) In connection with an investigation, a groundwater  
26 sustainability agency may inspect the property or facilities of a  
27 person or entity to ascertain whether the purposes of this part are  
28 being met and compliance with this part. The local agency may  
29 conduct an inspection pursuant to this section upon obtaining any  
30 necessary consent or obtaining an inspection warrant pursuant to  
31 the procedure set forth in Title 13 (commencing with Section  
32 1822.50) of Part 3 of the Code of Civil Procedure.

33 10725.6. A groundwater sustainability agency may require  
34 registration of a groundwater extraction facility within the  
35 management area of the groundwater sustainability agency.

36 10725.8. (a) A groundwater sustainability agency may require  
37 through its groundwater sustainability plan that the use of every  
38 groundwater extraction facility within the management area of the  
39 groundwater sustainability agency be measured by a

1 water-measuring device satisfactory to the groundwater  
2 sustainability agency.

3 (b) All costs associated with the purchase and installation of  
4 the water-measuring device shall be borne by the owner or operator  
5 of each groundwater extraction facility. The water measuring  
6 devices shall be installed by the groundwater sustainability agency  
7 or, at the groundwater sustainability agency's option, by the owner  
8 or operator of the groundwater extraction facility. Water-measuring  
9 devices shall be calibrated on a reasonable schedule as may be  
10 determined by the groundwater sustainability agency.

11 (c) A groundwater sustainability agency may require, through  
12 its groundwater sustainability plan, that the owner or operator of  
13 a groundwater extraction facility within the groundwater  
14 sustainability agency file an annual statement with the groundwater  
15 sustainability agency setting forth the total extraction in acre-feet  
16 of groundwater from the facility during the previous water year.

17 (d) In addition to the measurement of groundwater extractions  
18 pursuant to subdivision (a), a groundwater sustainability agency  
19 may use any other reasonable method to determine groundwater  
20 extraction.

21 (e) This section does not apply to ~~de-minimus~~ *minimis* extractors.  
22 10726. An entity within the area of a groundwater sustainability  
23 plan shall only divert surface water to underground storage  
24 consistent with the plan and shall report the diversion to  
25 underground storage to the groundwater sustainability agency for  
26 the relevant portion of the basin.

27 10726.2. A groundwater sustainability agency may do the  
28 following:

29 (a) Acquire by grant, purchase, lease, gift, devise, contract,  
30 construction, or otherwise, and hold, use, enjoy, sell, let, and  
31 dispose of, real and personal property of every kind, including  
32 lands, water rights, structures, buildings, rights-of-way, easements,  
33 and privileges, and construct, maintain, alter, and operate any and  
34 all works or improvements, within or outside the agency, necessary  
35 or proper to carry out any of the purposes of this part.

36 (b) Appropriate and acquire surface water or groundwater and  
37 surface water or groundwater rights, import surface water or  
38 groundwater into the agency, and conserve and store within or  
39 outside the agency that water for any purpose necessary or proper  
40 to carry out the provisions of this part, including, but not limited



1 to, the spreading, storing, retaining, or percolating into the soil of  
2 the waters for subsequent use or in a manner consistent with the  
3 provisions of Section 10727.2. As part of this authority, the agency  
4 may validate an existing groundwater conjunctive use or storage  
5 program upon a finding that the program would aid or assist the  
6 agency in developing or implementing a groundwater sustainability  
7 plan.

8 (c) Provide for a program of voluntary fallowing of agricultural  
9 lands or validate an existing program.

10 (d) Perform any acts necessary or proper to enable the agency  
11 to purchase, transfer, deliver, or exchange water or water rights of  
12 any type with any person that may be necessary or proper to carry  
13 out any of the purposes of this part, including, but not limited to,  
14 providing surface water in exchange for a groundwater extractor's  
15 agreement to reduce or cease groundwater extractions. The agency  
16 shall not deliver retail water supplies within the service area of a  
17 public water system without either the consent of that system or  
18 authority under the agency's existing authorities.

19 (e) Transport, reclaim, purify, desalinate, treat, or otherwise  
20 manage and control polluted water, wastewater, or other waters  
21 for subsequent use in a manner that is necessary or proper to carry  
22 out the purposes of this part.

23 (f) Commence, maintain, intervene in, defend, compromise,  
24 and assume the cost and expenses of any and all actions and  
25 proceedings.

26 10726.4. (a) A groundwater sustainability agency shall have  
27 the following additional authority and may regulate groundwater  
28 ~~pumping~~ *extraction* using that authority:

29 (1) To impose spacing requirements on new groundwater well  
30 construction to minimize well interference and impose reasonable  
31 operating regulations on existing groundwater wells to minimize  
32 well interference, including requiring ~~pumpers~~ *extractors* to operate  
33 on a rotation basis.

34 (2) To control groundwater extractions by regulating, limiting,  
35 or suspending extractions from individual groundwater wells or  
36 extractions from groundwater wells in the aggregate, ~~the~~  
37 construction of new groundwater wells, ~~the enlarging~~ *enlargement*  
38 of existing groundwater wells, ~~the or~~ reactivation of abandoned  
39 groundwater wells, or otherwise establishing groundwater  
40 extraction allocations. A limitation on extractions by a groundwater

1 sustainability agency shall not be construed to be a final  
2 determination of rights to extract groundwater from the basin or  
3 any portion of the basin.

4 (3) To authorize temporary and permanent transfers of  
5 groundwater extraction allocations within the agency's boundaries,  
6 if the total quantity of groundwater extracted in any water year is  
7 consistent with the provisions of the groundwater sustainability  
8 plan.

9 (4) To establish accounting rules to allow unused groundwater  
10 extraction allocations issued by the agency to be carried over from  
11 one year to another and voluntarily transferred, if the total quantity  
12 of groundwater extracted in any five-year period is consistent with  
13 the provisions of the groundwater sustainability plan.

14 ~~(b) Nothing in this section shall be construed to grant a~~  
15 ~~groundwater sustainability agency the authority to issue permits~~  
16 ~~for the construction, modification, or abandonment of groundwater~~  
17 ~~wells. A county may authorize a groundwater sustainability agency~~  
18 ~~to issue permits for the construction, modification, or abandonment~~  
19 ~~of groundwater wells.~~

20 *(b) This section does not authorize a groundwater sustainability*  
21 *agency to issue permits for the construction, modification, or*  
22 *abandonment of groundwater wells, except as authorized by a*  
23 *county with authority to issue those permits.*

24 10726.6. (a) A groundwater sustainability agency that adopts  
25 a groundwater sustainability plan may file an action to determine  
26 the validity of the plan pursuant to Chapter 9 (commencing with  
27 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

28 (b) Subject to Sections 394 and 397 of the Code of Civil  
29 Procedure, the venue for an action pursuant to this section shall  
30 be the county in which the principal office of the groundwater  
31 management agency is located.

32 (c) Any judicial action or proceeding to attack, review, set aside,  
33 void, or annul the ordinance or resolution imposing a new, or  
34 increasing an existing, fee imposed pursuant to Section 10730,  
35 10730.2, or 10730.4 shall be brought pursuant to Section 66022  
36 of the Government Code.

37 (d) Any person may pay a fee imposed pursuant to Section  
38 10730, 10730.2, or 10730.4 under protest and bring an action  
39 against the governing body in the superior court to recover any  
40 money that the governing body refuses to refund. Payments made

1 and actions brought under this section shall be made and brought  
2 in the manner provided for the payment of taxes under protest and  
3 actions for refund of that payment in Article 2 (commencing with  
4 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue  
5 and Taxation Code, as applicable.

6 (e) Except as otherwise provided in this section, actions by a  
7 groundwater sustainability agency are subject to judicial review  
8 pursuant to Section 1085 of the Code of Civil Procedure.

9 10726.8. (a) This part is in addition to, and not a limitation  
10 on, the authority granted to a local agency under any other law.  
11 The local agency may use the local agency's authority under any  
12 other law to apply and enforce any requirements of this part,  
13 including, but not limited to, the collection of fees.

14 (b) Nothing in this part is a limitation on the authority of the  
15 board, the department, or the State Department of Public Health.

16 (c) This part does not authorize a local agency to impose any  
17 requirement or impose any penalty or fee on the state or any  
18 agency, department, or officer of the state. State agencies and  
19 departments shall work cooperatively with a local agency on a  
20 voluntary basis.

21  
22 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS  
23

24 10727. (a) A groundwater sustainability plan shall be  
25 developed and implemented for each medium- or high-priority  
26 basin by a groundwater sustainability agency to meet the  
27 sustainability goal established pursuant to this part. The  
28 groundwater sustainability plan may incorporate, extend, or be  
29 based on a plan adopted pursuant to Part 2.75 (commencing with  
30 Section 10750).

31 (b) A groundwater sustainability plan may be any of the  
32 following:

33 (1) A single plan covering the entire basin developed and  
34 implemented by one groundwater sustainability agency.

35 (2) A single plan covering the entire basin developed and  
36 implemented by multiple groundwater sustainability agencies.

37 (3) Subject to Section 10727.6, multiple plans implemented by  
38 multiple groundwater sustainability agencies and coordinated  
39 pursuant to a single coordination agreement that covers the entire  
40 basin.

1 10727.2. A groundwater sustainability plan shall include all  
2 of the following:

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

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

6 (2) Groundwater levels, groundwater quality, subsidence, and  
7 groundwater-surface water interaction.

8 (3) A general discussion of historical and projected water  
9 demands and supplies.

10 (4) A map that details the area of the basin and the boundaries  
11 of the groundwater sustainability agencies that overlie the basin  
12 that have or are developing groundwater sustainability plans.

13 (5) A map identifying existing and potential recharge areas for  
14 the basin. The map or maps shall identify the existing recharge  
15 areas that substantially contribute to the replenishment of the  
16 groundwater basin. The map or maps shall be provided to the  
17 appropriate local planning agencies after adoption of the  
18 groundwater sustainability plan.

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

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

25 (3) (A) Notwithstanding paragraph (1), at the request of the  
26 groundwater sustainability agency, the department may grant an  
27 extension of up to ~~10~~ 5 years beyond the 20-year sustainability  
28 timeframe upon a showing of good cause. *The department may*  
29 *grant a second extension of up to five years upon a showing of*  
30 *good cause if the groundwater sustainability agency has begun*  
31 *implementation of the work plan described in clause (iii) of*  
32 *subparagraph (B).*

33 (B) *The department may grant an extension pursuant to this*  
34 *paragraph if the groundwater sustainability agency does all of the*  
35 *following:*

36 (i) *Demonstrates a need for an extension.*

37 (ii) *Has made progress toward meeting the sustainability goal*  
38 *as demonstrated by its progress at achieving the milestones*  
39 *identified in its groundwater sustainability plan.*

- 1     (iii) *Adopts a feasible work plan for meeting the sustainability*  
2 *goal during the extension period.*
- 3     (4) *The plan may, but is not required to, address undesirable*  
4 *results that occurred before, and have not been corrected by,*  
5 *January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,*  
6 *a groundwater sustainability agency has discretion as to whether*  
7 *to set measurable objectives and the timeframes for achieving any*  
8 *objectives for undesirable results that occurred before, and have*  
9 *not been corrected by, January 1, 2015.*
- 10     (c) ~~A planning and implementation horizon of 50 years.~~ *horizon.*
- 11     (d) Components relating to the following, as applicable to the  
12 basin:
- 13         (1) The monitoring and management of groundwater levels  
14 within the basin.
- 15         (2) The monitoring and management of groundwater quality,  
16 groundwater quality degradation, inelastic land surface subsidence,  
17 and changes in surface flow and surface water quality that directly  
18 affect groundwater levels or quality or are caused by groundwater  
19 ~~pumping~~ *extraction* in the basin.
- 20         (3) Mitigation of overdraft.
- 21         (4) How recharge areas identified in the plan substantially  
22 contribute to the replenishment of the basin.
- 23     (e) A summary of the type of monitoring sites, type of  
24 measurements, and the frequency of monitoring for each location  
25 monitoring groundwater levels, groundwater quality, subsidence,  
26 streamflow, precipitation, evaporation, and tidal influence. The  
27 plan shall include a summary of monitoring information such as  
28 well depth, screened intervals, and aquifer zones monitored, and  
29 a summary of the type of well relied on for the information,  
30 including public, irrigation, domestic, industrial, and monitoring  
31 wells.
- 32     (f) Monitoring protocols that are designed to detect changes in  
33 groundwater levels, groundwater quality, inelastic surface  
34 subsidence for basins for which subsidence has been identified as  
35 a potential problem, and flow and quality of surface water that  
36 directly affect groundwater levels or quality or are caused by  
37 groundwater ~~pumping~~ *extraction* in the basin. The monitoring  
38 protocols shall be designed to generate information that promotes  
39 efficient and effective groundwater management.

1 (g) *A description of the various adopted water resources-related*  
2 *plans and programs within the basin and an assessment of how*  
3 *the groundwater sustainability plan may affect those plans.*

4 10727.4. In addition to the requirements of Section 10727.2,  
5 a groundwater sustainability plan shall include, where appropriate  
6 and in collaboration with the appropriate local agencies, all of the  
7 following:

8 (a) Control of saline water intrusion.  
9 (b) Wellhead protection areas and recharge areas.  
10 (c) Migration of contaminated groundwater.  
11 (d) A well abandonment and well destruction program.  
12 (e) Replenishment of groundwater extractions.  
13 (f) Activities implementing, opportunities for, and impediments  
14 to, conjunctive use.

15 (g) Well construction policies.

16 (h) Measures addressing groundwater contamination cleanup,  
17 recharge, diversions to storage, conservation, water recycling,  
18 conveyance, and extraction projects.

19 (i) Efficient water management practices, as defined in Section  
20 10902, for the delivery of water and water conservation methods  
21 to improve the efficiency of water use.

22 (j) Efforts to develop relationships with state and federal  
23 regulatory agencies.

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

27 (l) *Impacts on groundwater dependent ecosystems.*

28 10727.6. Groundwater sustainability agencies intending to  
29 develop and implement multiple groundwater sustainability plans  
30 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall  
31 coordinate with other agencies preparing a groundwater  
32 sustainability plan within the basin to ensure that the plans utilize  
33 the same data *and methodologies* for the following assumptions  
34 in developing the plan:

35 (a) Groundwater elevation data.  
36 (b) Groundwater extraction data.  
37 (c) Surface water supply.  
38 (d) Total water use.  
39 (e) Change in groundwater storage.  
40 (f) Water budget.

1 (g) Sustainable yield.

2 10727.8. Prior to initiating the development of a groundwater  
3 sustainability plan, the groundwater sustainability agency shall  
4 make available to the public and the department a written statement  
5 describing the manner in which interested parties may participate  
6 in the development and implementation of the groundwater  
7 sustainability plan. *The groundwater sustainability agency shall*  
8 *provide the written statement to the legislative body of any city,*  
9 *county, or city and county located within the geographic area to*  
10 *be covered by the plan.* The groundwater sustainability agency  
11 may appoint and consult with an advisory committee consisting  
12 of interested parties for the purposes of developing and  
13 implementing a groundwater sustainability plan. The groundwater  
14 sustainability agency shall encourage the active involvement of  
15 diverse social, cultural, and economic elements of the population  
16 within the groundwater basin prior to and during the development  
17 and implementation of the groundwater sustainability plan.

18 ~~10728. (a) Except as provided in subdivision (b), a~~  
19 ~~groundwater sustainability agency shall certify that its plan~~  
20 ~~complies with this part no later than January 31, 2020, and every~~  
21 ~~five years thereafter. A groundwater sustainability agency shall~~  
22 ~~submit this certification to the department within 30 days of the~~  
23 ~~certification.~~

24 ~~(b) (1) The department may review the submissions made~~  
25 ~~pursuant to this section and Section 10733.6 and may request the~~  
26 ~~supporting information on which the certification pursuant to~~  
27 ~~subdivision (a) relied upon or the other documentation relied upon~~  
28 ~~pursuant to subdivision (b) of Section 10733.6. The department~~  
29 ~~may issue findings concerning the validity of the certification or~~  
30 ~~other submission.~~

31 ~~(2) Before issuing findings pursuant to paragraph (1), the~~  
32 ~~department shall transmit a draft of its findings to the submitting~~  
33 ~~agency and shall consult with that agency. The submitting agency~~  
34 ~~may submit a response to the department within 60 days of~~  
35 ~~receiving the department's draft findings.~~

36 ~~(3) If the department's findings issued pursuant to paragraph~~  
37 ~~(1) concern the compliance of a plan with requirements for~~  
38 ~~sustainable groundwater management or the operation of a basin~~  
39 ~~consistent with the basin's sustainable yield, the submitting agency,~~

1 ~~within 90 days of receipt, shall consider amendments to its plan~~  
2 ~~or technical analysis to address the department's findings.~~

3 *10728. On the January 1 following the adoption of a*  
4 *groundwater sustainability plan and annually on each January 1*  
5 *thereafter, a groundwater sustainability agency shall submit a*  
6 *report to the department containing the following information*  
7 *about the basin managed in the groundwater sustainability plan:*

8 *(a) Groundwater elevation data.*

9 *(b) Annual aggregated data identifying groundwater extraction*  
10 *for the preceding water year.*

11 *(c) Surface water supply used for or available for use for*  
12 *groundwater recharge or in-lieu use.*

13 *(d) Total water use.*

14 *(e) Change in groundwater storage.*

15 *10728.2. A groundwater sustainability agency shall periodically*  
16 *evaluate its groundwater sustainability plan, assess changing*  
17 *conditions in the basin that may warrant modification of the plan*  
18 *or management objectives, and may adjust components in the plan.*  
19 *An evaluation of the plan shall focus on determining whether the*  
20 *actions under the plan are meeting the plan's management*  
21 *objectives and whether those objectives are meeting the*  
22 *sustainability goal in the basin.*

23 *10728.4. A groundwater sustainability agency may adopt or*  
24 *amend a groundwater sustainability plan ~~if the groundwater~~*  
25 *sustainability agency holds a public hearing and more than 90 days*  
26 *have passed since the groundwater sustainability agency provided*  
27 *after a public hearing, held at least 90 days after providing notice*  
28 *to a city or county within the area of the proposed plan or*  
29 *amendment. The groundwater sustainability agency shall obtain*  
30 *comments from any city or county that receives notice pursuant*  
31 *to this section and shall consult with a city or county that requests*  
32 *consultation within 30 days of receipt of the notice. Nothing in*  
33 *this section is intended to preclude an agency and a city or county*  
34 *from otherwise consulting or commenting regarding the adoption*  
35 *or amendment of a plan.*

36 *10728.6. Division 13 (commencing with Section 21000) of the*  
37 *Public Resources Code does not apply to the preparation and*  
38 *adoption of plans pursuant to this chapter. Nothing in this part*  
39 *shall be interpreted as exempting from Division 13 (commencing*  
40 *with Section 21000) of the Public Resources Code a project that*



1 *would implement actions taken pursuant to a plan adopted*  
2 *pursuant to this chapter or a project that would significantly affect*  
3 *water supplies for fish and wildlife.*

4  
5 CHAPTER 7. TECHNICAL ASSISTANCE

6  
7 10729. (a) The department or a groundwater sustainability  
8 agency may provide technical assistance to entities that extract or  
9 use groundwater to promote water conservation and protect  
10 groundwater resources.

11 (b) The department may provide technical assistance to any  
12 groundwater sustainability agency in response to that agency's  
13 request for assistance in the development and implementation of  
14 a groundwater sustainability plan. The department shall use its  
15 best efforts to provide the requested assistance.

16 (c) (1) By January 1, 2017, the department shall publish on its  
17 Internet Web site best management practices for the sustainable  
18 management of groundwater.

19 (2) The department shall develop the best management practices  
20 through a public process involving one public meeting conducted  
21 at a location in northern California, one public meeting conducted  
22 at a location in the San Joaquin Valley, one public meeting  
23 conducted at a location in southern California, and one public  
24 meeting of the California Water Commission.

25  
26 CHAPTER 8. FINANCIAL AUTHORITY

27  
28 10730. (a) A groundwater sustainability agency may impose  
29 fees, including, but not limited to, permit fees and fees on  
30 groundwater extraction or other regulated activity, to fund the costs  
31 of a groundwater sustainability program, including, but not limited  
32 to, preparation, adoption, and amendment of a groundwater  
33 sustainability plan, and ~~program administration~~, investigations,  
34 inspections, compliance assistance, and ~~enforcement~~. *enforcement,*  
35 *and program administration, including a prudent reserve.* A  
36 groundwater sustainability agency shall not impose a fee pursuant  
37 to this subdivision on a ~~de-minimus~~ *de-minimis* extractor unless the  
38 agency has regulated the users pursuant to this part.

39 (b) (1) Prior to imposing or increasing a fee, a groundwater  
40 sustainability agency shall hold at least one ~~open~~ and public

1 meeting, at which oral or written presentations may be made as  
2 part of the meeting.

3 (2) Notice of the time and place of the meeting shall include a  
4 general explanation of the matter to be considered and a statement  
5 that the data required by this section is available. The notice shall  
6 ~~be mailed at least 14 days prior to the meeting to each record owner~~  
7 ~~of property within the basin~~ *provided by publication pursuant to*  
8 *Section 6066 of the Government Code, by posting notice on the*  
9 *Internet Web site of the groundwater sustainability agency, and*  
10 *by mail* to any interested party who files a written request with the  
11 agency for mailed notice of the meeting on new or increased fees.  
12 A written request for mailed notices shall be valid for one year  
13 from the date that the request is made and may be renewed by  
14 making a written request on or before April 1 of each year.

15 (3) At least 10 days prior to the meeting, the groundwater  
16 sustainability agency shall make available to the public data upon  
17 which the proposed fee is based.

18 (c) Any action by a groundwater sustainability agency to impose  
19 or increase a fee shall be taken only by ordinance or resolution.

20 (d) (1) As an alternative method for the collection of fees  
21 imposed pursuant to this section, a groundwater ~~management~~  
22 *sustainability* agency may adopt a resolution requesting collection  
23 of the fees in the same manner as ordinary municipal ad valorem  
24 taxes.

25 (2) A resolution described in paragraph (1) shall be adopted and  
26 furnished to the county auditor-controller and board of supervisors  
27 on or before August 1 of each year that the alternative collection  
28 of the fees is being requested. The resolution shall include a list  
29 of parcels and the amount to be collect for each parcel.

30 (e) The power granted by this section is in addition to any  
31 powers a groundwater sustainability agency has under any other  
32 law.

33 10730.2. (a) A groundwater sustainability agency that adopts  
34 a groundwater sustainability plan pursuant to this part may impose  
35 fees on the extraction of groundwater from the basin to fund costs  
36 of groundwater management, including, but not limited to, the  
37 costs of the following:

38 (1) Administration, operation, ~~maintenance, and acquisition of~~  
39 ~~lands or other property, facilities, and services.~~ *and maintenance,*  
40 *including a prudent reserve.*

1 (2) *Acquisition of lands or other property, facilities, and*  
2 *services.*

3 ~~(2)~~

4 (3) *Supply, production, treatment, or distribution of water.*

5 ~~(3)~~

6 (4) *Other activities necessary or convenient to implement the*  
7 *plan.*

8 ~~(b) Fees may be implemented pursuant to Part 2.75~~  
9 ~~(commencing with Section 10750) Until a groundwater~~  
10 ~~sustainability plan is adopted pursuant to this part, a local agency~~  
11 ~~may impose fees in accordance with the procedures provided in~~  
12 ~~this section for the purposes of Part 2.75 (commencing with Section~~  
13 ~~10750) as long as a groundwater management plan adopted before~~  
14 ~~January 1, 2015, is in effect for the basin.~~

15 (c) Fees imposed pursuant to this section shall be adopted in  
16 accordance with subdivisions (a) and (b) of Section 6 of Article  
17 XIII D of the California Constitution.

18 (d) Fees imposed pursuant to this section may include fixed fees  
19 and fees charged on a volumetric basis, including, but not limited  
20 to, fees that increase based on the quantity of groundwater produced  
21 annually, the year in which the production of groundwater  
22 commenced from a groundwater extraction facility, and impacts  
23 to the basin.

24 (e) The power granted by this section is in addition to any  
25 powers a groundwater sustainability agency has under any other  
26 law.

27 10730.4. A groundwater sustainability agency may fund  
28 activities pursuant to Part 2.75 (commencing with Section 10750)  
29 and may impose fees pursuant to Section ~~10732.5~~ 10730.2 to fund  
30 activities undertaken by the agency pursuant to Part 2.75  
31 (commencing with Section 10750).

32 10730.6. (a) A groundwater fee levied pursuant to this chapter  
33 shall be due and payable to the groundwater sustainability agency  
34 by each owner or operator on a day established by the groundwater  
35 sustainability agency.

36 (b) If an owner or operator knowingly fails to pay a groundwater  
37 fee within 30 days of it becoming due, the owner or operator shall  
38 be liable to the groundwater sustainability agency for interest at  
39 the rate of 1 percent per month on the delinquent amount of the  
40 groundwater fee and a 10 percent penalty.

1 (c) The groundwater sustainability agency may bring a suit in  
2 the court having jurisdiction against any owner or operator of a  
3 groundwater extraction facility within the area covered by the plan  
4 for the collection of any delinquent groundwater fees, interest, or  
5 penalties imposed under this chapter. If the groundwater  
6 sustainability agency seeks an attachment against the property of  
7 any named defendant in the suit, the groundwater sustainability  
8 agency shall not be required to furnish a bond or other undertaking  
9 as provided in Title 6.5 (commencing with Section 481.010) of  
10 Part 2 of the Code of Civil Procedure.

11 (d) In the alternative to bringing a suit pursuant to subdivision  
12 (c), a groundwater sustainability agency may collect any delinquent  
13 groundwater charge and any civil penalties and interest on the  
14 delinquent groundwater charge pursuant to the laws applicable to  
15 the local agency or, if a joint powers authority, to the entity  
16 designated pursuant to Section 6509 of the Government Code. The  
17 collection shall be in the same manner as it would be applicable  
18 to the collection of delinquent assessments, water charges, or tolls.

19 (e) As an additional remedy, a groundwater sustainability  
20 agency, after a public hearing, may order an owner or operator to  
21 cease extraction of groundwater until all delinquent fees are paid.  
22 The groundwater sustainability agency shall give notice to the  
23 owner or operator by certified mail not less than 15 days in advance  
24 of the public hearing.

25 (f) The remedies specified in this section for collecting and  
26 enforcing fees are cumulative and may be pursued alternatively  
27 or may be used consecutively as determined by the governing  
28 body.

29 10730.8. (a) Nothing in this chapter shall affect or interfere  
30 with the authority of a groundwater sustainability agency to levy  
31 and collect taxes, assessments, charges, and tolls as otherwise  
32 provided by law.

33 (b) For the purposes of Section 6254.16 of the Government  
34 Code, persons subject to payment of fees pursuant to this chapter  
35 are utility customers of a groundwater sustainability agency.

36 ~~10731. (a) If there is reasonable cause to believe that the~~  
37 ~~production of groundwater from any groundwater extraction facility~~  
38 ~~is in excess of that disclosed by the statements covering the facility~~  
39 ~~or if no statement is filed covering the facility, the governing body~~  
40 ~~may cause an investigation and report to be made concerning the~~

1 ~~production of groundwater from that groundwater extraction~~  
2 ~~facility that includes, but is not limited to, the accuracy of the~~  
3 ~~water-measuring device. The~~ *Following an investigation pursuant*  
4 *to Section 10725.4, the governing body may make a determination*  
5 *fixing the amount of groundwater production from the groundwater*  
6 *extraction facility at an amount not to exceed the maximum*  
7 *production capacity of the facility for purposes of levying a*  
8 *groundwater charge. If a water-measuring device is permanently*  
9 *attached to the groundwater extraction facility, the record of*  
10 *production as disclosed by the water-measuring device shall be*  
11 *presumed to be accurate unless the contrary is established by the*  
12 *groundwater management sustainability agency after investigation.*

13 (b) After the governing body makes a determination fixing the  
14 amount of groundwater production pursuant to subdivision (a), a  
15 written notice of the determination shall be mailed to the owner  
16 or operator of the groundwater extraction facility at the address as  
17 shown by the ~~groundwater management sustainability~~ agency's  
18 records. A determination made by the governing body shall be  
19 conclusive on the owner or operator and the groundwater charges,  
20 based on the determination together with any interest and penalties,  
21 shall be payable immediately unless within ~~10~~ 20 days after the  
22 mailing of the notice the owner or operator files with the governing  
23 body a written protest setting forth the ground for protesting the  
24 amount of production or the groundwater charges, interest, and  
25 penalties. If a protest is filed pursuant to this subdivision, the  
26 governing body shall hold a hearing to determine the total amount  
27 of the groundwater production and the groundwater charges,  
28 interest, and penalties. ~~The determination by the governing body~~  
29 ~~at the hearing shall be conclusive if based upon substantial~~  
30 ~~evidence.~~ Notice of the hearing shall be mailed to each protestant  
31 at least ~~10~~ 20 days before the date fixed for the hearing. Notice of  
32 the determination of the governing body hearing shall be mailed  
33 to each protestant. The owner or operator shall have 20 days from  
34 the date of mailing of the determination to pay the groundwater  
35 charges, interest, and penalties determined by the governing body.

CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY  
ENFORCEMENT POWERS

10732. (a) (1) A person who extracts groundwater in excess of the amount that person is authorized to extract under a rule, regulation, ordinance, or resolution adopted pursuant to Section 10725.2, shall be subject to a civil penalty not to exceed five hundred dollars (\$500) per acre-foot extracted in excess of the amount that person is authorized to extract. Liability under this subdivision is in addition to any liability imposed under paragraph (2) and any fee imposed for the extraction.

(2) A person who violates any rule, regulation, ordinance, or resolution adopted pursuant to Section ~~10724.2~~ 10725.2 shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) plus one hundred dollars (\$100) for each additional day on which the violation continues if the person fails to comply within 30 days after the local agency has notified the person of the violation.

(b) (1) A groundwater sustainability agency may bring an action in the superior court to determine whether a violation occurred and to impose a civil penalty described in subdivision (a).

(2) A groundwater sustainability agency may administratively impose a civil penalty described in subdivision (a) after providing notice and an opportunity for a hearing.

(3) In determining the amount of the penalty, the superior court or the groundwater sustainability agency shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(c) A penalty imposed pursuant to this section shall be paid to the groundwater sustainability agency and shall be expended solely for purposes of this part.

(d) Penalties imposed pursuant to this section are in addition to any civil penalty or criminal fine under any other law.

CHAPTER 10. STATE EVALUATION AND ASSESSMENT

10733. (a) The department shall periodically review the groundwater sustainability plans developed by groundwater

1 sustainability agencies pursuant to this part to evaluate whether a  
2 plan conforms with Sections 10727.2 and 10727.4 and is likely to  
3 achieve the sustainability goal for the basin covered by the  
4 groundwater sustainability plan.

5 (b) If a groundwater sustainability agency develops multiple  
6 groundwater sustainability plans for a basin, the department shall  
7 evaluate whether the plans conform with Sections 10727.2,  
8 10727.4, and 10727.6 and are together likely to achieve the  
9 sustainability goal for the basin covered by the groundwater  
10 sustainability plans.

11 10733.2. (a) *(1)* By June 1, 2016, the department, in  
12 consultation with the board, shall develop guidelines for evaluating  
13 groundwater sustainability ~~plans and groundwater sustainability~~  
14 ~~programs plans, the implementation of groundwater sustainability~~  
15 ~~plans, and coordination agreements~~ pursuant to this chapter.

16 ~~(b)~~

17 (2) The guidelines shall identify the necessary plan components  
18 specified in Sections ~~10727.2 and 10727.4~~ 10727.2, 10727.4, and  
19 10727.6 and other information that will assist local agencies in  
20 developing and implementing groundwater sustainability ~~plans~~  
21 ~~and groundwater sustainability programs. plans and coordination~~  
22 ~~agreements.~~

23 ~~(e)~~

24 (b) The department may update the guidelines, including to  
25 incorporate the best management practices identified pursuant to  
26 Section 10729.

27 (c) *By June 1, 2016, the department, in consultation with the*  
28 *board, shall develop guidelines for evaluating alternatives*  
29 *submitted pursuant to Section 10733.6.*

30 (d) The guidelines required pursuant to this section are exempt  
31 from Chapter 3.5 (commencing with Section 11340) of Part 1 of  
32 Division 3 of Title 2 of the Government Code. The establishment  
33 of guidelines pursuant to this section shall instead be accomplished  
34 by means of a public process ~~reasonably calculated to give that~~  
35 ~~gives~~ interested persons an opportunity to be heard.

36 10733.4. (a) Upon ~~completion~~ *adoption* of a groundwater  
37 sustainability plan, a groundwater sustainability agency shall  
38 submit the groundwater sustainability plan to the department for  
39 review pursuant to this chapter.

1 (b) If groundwater sustainability agencies develop multiple  
2 groundwater sustainability plans for a basin, the submission  
3 required by subdivision (a) shall not occur until the entire basin is  
4 covered by groundwater sustainability plans. When the entire basin  
5 is covered by groundwater sustainability plans, the groundwater  
6 sustainability agencies shall jointly submit to the department all  
7 of the following:

8 (1) The groundwater sustainability plans.

9 (2) An explanation of how the groundwater sustainability plans  
10 implemented together satisfy ~~Section 10729~~ *Sections 10727.2,*  
11 *10727.4, and 10727.6* for the entire basin.

12 (3) A copy of the coordination agreement between the  
13 groundwater sustainability agencies to ensure the coordinated  
14 implementation of the groundwater sustainability plans for the  
15 entire basin.

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

20 (d) The department shall evaluate the groundwater sustainability  
21 plan within two years of its submission by a groundwater  
22 sustainability agency and issue an assessment of the plan. The  
23 assessment may include recommended corrective actions to address  
24 any deficiencies identified by the department.

25 ~~10733.6.— (a) If there is not a groundwater sustainability plan~~  
26 ~~for a basin, but a local agency believes that an alternative plan,~~  
27 ~~such as a plan developed pursuant to Part 2.75 (commencing with~~  
28 ~~Section 10750), satisfies the objectives of this part, the local agency~~  
29 ~~may submit the alternative plan to the department for evaluation~~  
30 ~~and assessment of whether the plan is the functional equivalent of~~  
31 ~~a groundwater sustainability plan pursuant to this part. In evaluating~~  
32 ~~an alternative plan, the department shall, to the extent feasible, use~~  
33 ~~the guidelines developed pursuant to Section 10733.2.~~

34 ~~(b) A basin shall be in compliance with this part if a groundwater~~  
35 ~~agency for a basin or other local agency submits to the department,~~  
36 ~~no later than January 31, 2020, and every five years thereafter, any~~  
37 ~~of the following documents:~~

38 ~~(1) A copy of a governing final judgment or other judicial order~~  
39 ~~or decree establishing a groundwater sustainability program for~~  
40 ~~the basin.~~



1 ~~(2) A report approved by a groundwater agency that shows that~~  
2 ~~current management or operations activities have been consistent~~  
3 ~~with the sustainable yield of the basin over a period of at least 10~~  
4 ~~years. The report shall be prepared by a registered professional~~  
5 ~~engineer or geologist who is licensed by the state and submitted~~  
6 ~~under that engineer's or geologist's seal. The report may~~  
7 ~~demonstrate compliance with the sustainability goal in the basin~~  
8 ~~by presenting a balanced water budget for the basin, a technical~~  
9 ~~analysis demonstrating stable groundwater levels over the relevant~~  
10 ~~period, or other sufficient technical analyses.~~

11 *10733.6. (a) If there is no groundwater sustainability plan for*  
12 *a basin, but a local agency believes that an alternative described*  
13 *in subdivision (b) satisfies the objectives of this part, the local*  
14 *agency may submit the alternative to the department for evaluation*  
15 *and assessment of whether the alternative satisfies the objectives*  
16 *of this part.*

17 *(b) An alternative is any of the following:*

18 *(1) A plan developed pursuant to Part 2.75 (commencing with*  
19 *Section 10750) or other law authorizing groundwater management.*

20 *(2) Management pursuant to an adjudication action.*

21 *(3) An analysis of basin conditions that demonstrates that the*  
22 *basin has operated within its sustainable yield over a period of at*  
23 *least 10 years. The submission of an alternative described by this*  
24 *paragraph shall include a report prepared by a registered*  
25 *professional engineer or geologist who is licensed by the state and*  
26 *submitted under that engineer's or geologist's seal.*

27 *(c) A local agency shall submit an alternative pursuant to this*  
28 *section no later than January 1, 2017, and every five years*  
29 *thereafter.*

30 *(d) The assessment required by subdivision (a) shall include an*  
31 *assessment of whether the alternative is within a basin that is in*  
32 *compliance with Part 2.11 (commencing with Section 10920). If*  
33 *the alternative is within a basin that is not in compliance with Part*  
34 *2.11 (commencing with Section 10920), the department shall find*  
35 *the alternative does not satisfy the objectives of this part.*

36 *10733.8. At least every five years after initial submission of a*  
37 *plan pursuant to Section 10733.4, the department, in consultation*  
38 *with the board, shall review any available groundwater*  
39 *sustainability plan, alternative plan submitted in accordance with*  
40 *Section ~~10729.6,~~ 10733.6, and the implementation of the*

1 corresponding groundwater sustainability program for consistency  
 2 with this part, including achieving the sustainability goal. The  
 3 department shall issue an assessment for each basin for which a  
 4 plan has been submitted in accordance with this ~~chapter~~. *chapter,*  
 5 *with an emphasis on assessing progress in achieving the*  
 6 *sustainability goal within the basin.* The assessment may include  
 7 recommended corrective actions to address any deficiencies  
 8 identified by the department.

9 10734. (a) Consistent with Section 3 of Article XIII A of the  
 10 California Constitution, the department shall adopt a schedule of  
 11 fees to recover costs incurred in carrying out this chapter.

12 (b) It is the intent of the Legislature to amend this measure to  
 13 adopt additional authority for the department to implement the fee  
 14 authority provided by this section.

15  
 16 CHAPTER 11. STATE INTERVENTION  
 17

18 10735. As used in this chapter, the following terms have the  
 19 following meanings:

20 (a) “Condition of long-term overdraft” means the condition of  
 21 a groundwater basin where the average annual amount of water  
 22 extracted for a long-term period, generally 10 years or more,  
 23 exceeds the long-term average annual supply of water to the basin,  
 24 plus any temporary surplus. Overdraft during a period of drought  
 25 is not sufficient to establish a condition of long-term overdraft if  
 26 extractions and recharge are managed as necessary to ensure that  
 27 reductions in groundwater levels or storage during a period of  
 28 drought are offset by increases in groundwater levels or storage  
 29 during other periods.

30 (b) “Person” means any person, firm, association, organization,  
 31 partnership, business, trust, corporation, limited liability company,  
 32 or public agency, including any city, county, city and county,  
 33 district, joint powers authority, state, or any agency or department  
 34 of those entities. “Person” includes, to the extent authorized by  
 35 federal law, the United States, a department, agency or  
 36 instrumentality of the federal government, an Indian tribe, an  
 37 authorized Indian tribal organization, or interstate body.

38 (c) “Probationary basin” means a basin for which the board has  
 39 issued a determination under ~~this section~~. *Section 10735.2.*

1 (d) “Significant depletions of interconnected surface waters”  
2 means reductions in flow or levels of a surface water that is  
3 hydrologically connected to the basin such that the reduced surface  
4 water flow or level adversely affects beneficial uses of the surface  
5 water.

6 10735.2. (a) The board, after notice and a public hearing, may  
7 designate a basin as a probationary basin, if the board finds one  
8 or more of the following applies to the basin:

9 (1) After January 1, 2017, none of the following have occurred:

10 (A) ~~No~~ A local agency has elected to be a groundwater  
11 sustainability agency that intends to develop a groundwater  
12 sustainability plan for the entire basin.

13 (B) ~~No~~ A collection of local agencies has formed a groundwater  
14 sustainability agency or prepared agreements to develop one or  
15 more groundwater sustainability plans that will collectively serve  
16 as a groundwater sustainability plan for the entire basin.

17 ~~(C) There is no plan developed pursuant to Part 2.75~~  
18 ~~(commencing with Section 10750) that satisfies the objectives of~~  
19 ~~this part.~~

20 ~~(D) There is no report approved by a groundwater agency that~~  
21 ~~shows that current management or operations activities have been~~  
22 ~~consistent with the sustainable yield of the basin over a period of~~  
23 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~  
24 ~~of Section 10733.6.~~

25 *(C) A local agency has submitted an alternative that has been*  
26 *approved or is pending approval pursuant to Section 10733.6. If*  
27 *the department disapproves an alternative pursuant to Section*  
28 *10733.6, the board shall not act under this paragraph until at least*  
29 *180 days after the department disapproved the alternative.*

30 (2) After January 31, 2020, none of the following have occurred:

31 (A) ~~No~~ A groundwater sustainability agency has adopted a  
32 groundwater sustainability plan for the entire basin.

33 (B) ~~No~~ A collection of local agencies have adopted groundwater  
34 sustainability plans that collectively serve as a groundwater  
35 sustainability plan for the entire basin.

36 (C) The department has ~~not determined that a local agency has~~  
37 ~~a functional equivalent as described in Section 10733.6.~~ *approved*  
38 *an alternative pursuant to Section 10733.6.*

39 ~~(D) There is no report approved by a groundwater agency that~~  
40 ~~shows that current management or operations activities have been~~

1 consistent with the sustainable yield of the basin over a period of  
 2 at least 10 years, as described in paragraph (2) of subdivision (b)  
 3 of Section 10733.6.

4 (3) After January 31, 2020, ~~either~~ *both* of the following have  
 5 occurred:

6 (A) ~~The department has determined~~ *department, in consultation*  
 7 *with the board, determines* that a groundwater sustainability plan  
 8 is inadequate or that the groundwater sustainability program is not  
 9 being implemented in a manner that will likely achieve the  
 10 sustainability goal.

11 (B) *The board determines that the* basin is in a condition of  
 12 long-term overdraft or in a condition where groundwater  
 13 extractions result in significant depletions of interconnected surface  
 14 waters.

15 ~~(b) (1) In making the findings associated with subparagraph~~  
 16 ~~(A) of paragraph (3) of subdivision (a), the department and board~~  
 17 may rely on periodic assessments the department has prepared  
 18 pursuant to Chapter 10 (commencing with Section 10733). The  
 19 board may request that the department conduct additional  
 20 assessments utilizing the guidelines developed pursuant to Chapter  
 21 10 (commencing with 10733) and make determinations pursuant  
 22 to this section. The board shall post on its Internet Web site and  
 23 provide at least 30 days for the public to comment on any  
 24 determinations provided by the department pursuant to this  
 25 subdivision.

26 ~~(2) The board shall consult with the department in assessing~~  
 27 ~~technical determinations pursuant to subparagraph (A) of paragraph~~  
 28 ~~(3) of subdivision (a).~~

29 ~~(c) The determination shall set an amount of groundwater~~  
 30 ~~extractions, for purposes of establishing the amount for which~~  
 31 ~~reports of groundwater extraction are required under Part 5.2~~  
 32 ~~(commencing with Section 5200) of Division 2, and may include~~  
 33 ~~exclusions for certain classes or categories of extractions that are~~  
 34 ~~likely to have a minimal impact on basin withdrawals.~~

35 *(c) (1) The determination may exclude a class or category of*  
 36 *extractions from the requirement for reporting pursuant to Part*  
 37 *5.2 (commencing with Section 5200) of Division 2 if those*  
 38 *extractions are likely to have a minimal impact on basin*  
 39 *withdrawals.*

1     (2) *The determination may require reporting of a class or*  
2 *category of extractions that would otherwise be exempt from*  
3 *reporting pursuant to paragraph (1) of subdivision (c) of Section*  
4 *5202 if those extractions are likely to have a substantial impact*  
5 *on basin withdrawals or requiring reporting of those extractions*  
6 *is reasonably necessary to obtain information for purposes of this*  
7 *chapter.*

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

13     (4) *The determination may modify the water year or reporting*  
14 *date for a report of groundwater extraction pursuant to Section*  
15 *5202.*

16     10735.4. (a) If the board designates a basin as a probationary  
17 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section  
18 10735.2, a local agency or groundwater sustainability agency shall  
19 have 180 days to remedy the deficiency. The board may appoint  
20 a mediator or other facilitator, after consultation with affected local  
21 agencies, to assist in resolving disputes, and identifying and  
22 implementing actions that will remedy the deficiency.

23     (b) After the 180-day period provided by subdivision (a), the  
24 board may provide additional time to remedy the deficiency if it  
25 finds that a local agency is making substantial progress toward  
26 remedying the deficiency.

27     (c) The board may develop an interim plan pursuant to Section  
28 10735.8 for the probationary basin at the end of the ~~time~~ period  
29 provided by subdivision (a) or any extension provided pursuant  
30 to subdivision (b), if the board, in consultation with the department,  
31 determines that a local agency has not remedied the deficiency  
32 that resulted in designating the basin as a probationary basin  
33 ~~pursuant to this section.~~

34     10735.6. (a) If the board designates a basin as a probationary  
35 basin pursuant to paragraph (3) of subdivision (a) of Section  
36 10735.2, the board shall identify the specific deficiencies and  
37 identify potential actions to address the deficiencies. The board  
38 may request the department to provide local agencies, within 90  
39 days of the designation of a probationary basin, with technical  
40 recommendations to remedy the deficiencies.

- 1 (b) The board may develop an interim plan pursuant to Section  
2 10735.8 for the probationary basin one year after the designation  
3 of the basin pursuant to paragraph (3) of subdivision (a) of Section  
4 10735.2, if the board, in consultation with the department,  
5 determines that a local agency has not remedied the deficiency  
6 that ~~result~~ *resulted* in designating the basin a probationary basin.  
7 10735.8. (a) The board, after notice and a public hearing, may  
8 adopt an interim plan for a probationary basin.
- 9 (b) The interim plan shall include all of the following:
- 10 (1) Identification of the actions that are necessary to correct a  
11 condition of long-term overdraft or a condition where groundwater  
12 extractions result in significant depletions of interconnected surface  
13 waters, including recommendations for appropriate action by any  
14 person.
- 15 (2) A time schedule for the actions to be taken.
- 16 (3) A description of the monitoring to be undertaken to  
17 determine effectiveness of the plan.
- 18 (c) The interim plan may include the following:
- 19 (1) Restrictions on groundwater ~~pumping or~~ extraction.
- 20 (2) A physical solution.
- 21 (3) Principles and guidelines for the administration of rights to  
22 surface waters that are connected to the basin.
- 23 (d) ~~To the extent feasible, consistent with~~ *Except as provided*  
24 *in* Sections 100 and 275 and subdivision (e), the interim plan shall  
25 be consistent with water right priorities.
- 26 (e) Where, in the judgment of the board, a groundwater  
27 sustainability plan, groundwater sustainability program, or an  
28 adjudication action can be relied on as part of the interim plan,  
29 either throughout the basin or in an area within the basin, the board  
30 may rely on, or incorporate elements of, that plan, program, or  
31 adjudication into the interim plan adopted by the board or allow  
32 local agencies to continue implementing those parts of a plan or  
33 program that the board determines are adequate.
- 34 (f) In carrying out activities that may affect the probationary  
35 basin, state entities shall comply with an interim plan adopted by  
36 the board pursuant to this section unless otherwise directed or  
37 authorized by statute and the state entity shall indicate to the board  
38 in writing the authority for not complying with the interim plan.
- 39 (g) (1) After the board adopts an interim plan under this section,  
40 the board shall determine if a groundwater sustainability plan or

1 an adjudication action is adequate to eliminate the condition of  
2 long-term overdraft or condition where groundwater extractions  
3 result in significant depletions of interconnected surface waters,  
4 upon petition of either of the following:

5 (A) A groundwater sustainability agency that has adopted a  
6 groundwater sustainability plan for the probationary basin or a  
7 portion thereof.

8 (B) A person authorized to file the petition by a judicial order  
9 or decree entered in an adjudication action in the probationary  
10 basin.

11 (2) The board shall act on a petition filed pursuant to paragraph  
12 (1) within 90 days after the petition is complete. If the board, *in*  
13 *consultation with the department*, determines that the groundwater  
14 sustainability plan or adjudication action is adequate, the board  
15 shall rescind the interim plan adopted by the board for the  
16 probationary basin, except as provided in paragraphs (3) and (4).

17 (3) Upon request of the petitioner, the board may amend an  
18 interim plan adopted under this section to eliminate portions of  
19 the interim plan, while allowing other portions of the interim plan  
20 to continue in effect.

21 (4) The board may decline to rescind an interim plan adopted  
22 pursuant to this section if the board determines that the petitioner  
23 has not provided adequate assurances that the groundwater  
24 sustainability plan or judicial order or decree will be implemented.

25 (5) This subdivision is not a limitation on the authority of the  
26 board to stay its proceedings under this section or to rescind or  
27 amend an interim plan adopted pursuant to this section based on  
28 the progress made by a groundwater sustainability agency or in  
29 an adjudication action, even if the board cannot make a  
30 determination of adequacy in accordance with paragraph (1).

31 10736. (a) The board shall adopt or amend a determination or  
32 interim plan under Section 10735.2 or 10735.8 in accordance with  
33 procedures for quasi-legislative action.

34 (b) The board shall provide notice of a hearing described in  
35 subdivision (a) of Section 10735.2 or subdivision (a) of Section  
36 10735.8 as follows:

37 (1) At least 90 days before the hearing, the board shall publish  
38 notice of the hearing on its Internet Web site.

1 (2) At least 90 days before the hearing, the board shall notify  
2 the department and each city, county, or city and county in which  
3 any part of the basin is situated.

4 (3) (A) For the purposes of this paragraph, the terms  
5 “board-designated local area” and “local agency” have the same  
6 meaning as defined in Section 5009.

7 (B) At least 60 days before the hearing, the board shall mail or  
8 send by electronic mail notice to all persons known to the board  
9 who extract or who propose to extract water from the basin, or  
10 who have made written or electronic mail requests to the board  
11 for special notice of hearing pursuant to this part. If any portion  
12 of the basin is within a board-designated local area, the records  
13 made available to the board by the local agency in accordance with  
14 paragraph (4) of subdivision (d) of Section 5009 shall include the  
15 names and addresses of persons and entities known to the local  
16 agency who extract water from the basin, and the board shall mail  
17 or send by electronic mail notice to those persons.

18 (c) The board shall provide notice of proceedings to amend or  
19 repeal a determination or plan under Section 10735.2 or 10735.8  
20 as appropriate to the proceedings, taking into account the nature  
21 of the proposed revision and the person likely to be affected.

22 (d) (1) Except as provided in paragraphs (2) and (3), Chapter  
23 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
24 Title 2 of the Government Code does not apply to any action  
25 authorized pursuant to Section 10735.2 or 10735.8.

26 (2) The board may adopt a regulation in accordance with Chapter  
27 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
28 Title 2 of the Government Code setting procedures for adopting a  
29 determination or plan.

30 (3) The board may adopt a regulation applying or interpreting  
31 this part pursuant to Section 1530 if the board determines that the  
32 emergency regulation is reasonably necessary for the allocation,  
33 administration, or collection of fees authorized pursuant to Section  
34 1529.5.

35 10736.2. Division 13 (commencing with Section 21000) of the  
36 Public Resources Code does not apply to any action or failure to  
37 act by the board under this chapter, other than the adoption or  
38 amendment of an interim plan pursuant to Section 10735.8.

39 10736.4. The extraction or use of water extracted in violation  
40 of an interim plan under this part shall not be relied upon as a basis



1 for establishing the extraction or use of water to support a claim  
2 in an action or proceeding for determination of water rights.

3 10736.6. (a) The board may order a person that extracts or  
4 uses water from a basin that is subject to an investigation or  
5 proceeding under this chapter to prepare and submit to the board  
6 any technical or monitoring program reports related to that person's  
7 or entity's extraction or use of water as the board may specify.  
8 The costs incurred by the person in the preparation of those reports  
9 shall bear a reasonable relationship to the need for the report and  
10 the benefit to be obtained from the report. If the preparation of  
11 individual reports would result in a duplication of effort, or if the  
12 reports are necessary to evaluate the cumulative effect of several  
13 diversions or uses of water, the board may order any person subject  
14 to this subdivision to pay a reasonable share of the cost of preparing  
15 reports.

16 (b) (1) An order issued pursuant to this section shall be served  
17 by personal service or registered mail on the party to submit  
18 technical or monitoring program reports or to pay a share of the  
19 costs of preparing reports. Unless the board issues the order after  
20 a hearing, the order shall inform the party of the right to request a  
21 hearing within 30 days after the party has been served. If the party  
22 does not request a hearing within that 30-day period, the order  
23 shall take effect as issued. If the party requests a hearing within  
24 that 30-day period, the board may adopt a decision and order after  
25 conducting a hearing.

26 (2) In-lieu of adopting an order directed at named persons in  
27 accordance with the procedures specified in paragraph (1), the  
28 board may adopt a regulation applicable to a category or class of  
29 persons in accordance with Chapter 3.5 (commencing with Section  
30 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

31 (c) Upon application of a person or upon its own motion, the  
32 board may review and revise an order issued or regulation adopted  
33 pursuant to this section in accordance with the procedures set forth  
34 in subdivision (b).

35 (d) In conducting an investigation or proceeding pursuant to  
36 this part, the board may inspect the property or facilities of a person  
37 to ascertain whether the purposes of this part are being met and to  
38 ascertain compliance with this part. The board may obtain an  
39 inspection warrant pursuant to the procedures set forth in Title 13  
40 (commencing with Section 1822.50) of Part 3 of the Code of Civil

1 Procedure for the purposes of an inspection pursuant to this  
2 subdivision.

3 ~~SEC. 11.~~

4 *SEC. 13.* Section 10750.1 is added to the Water Code, to read:

5 10750.1. (a) Beginning January 1, 2015, a new plan shall not  
6 be adopted and an existing plan shall not be renewed pursuant to  
7 this part, except as provided in subdivision (b). A plan adopted  
8 before January 1, 2015, shall remain in effect until a groundwater  
9 sustainability plan is adopted pursuant to Part 2.74 (commencing  
10 with Section 10720).

11 (b) This section does not apply to a low- or very low priority  
12 basin as categorized for the purposes of Part 2.74 (commencing  
13 with Section 10720).

14 (c) *This section does not apply to a plan submitted as an*  
15 *alternative pursuant to Section 10733.6, unless the department*  
16 *has not determined that the alternative satisfies the objectives of*  
17 *Part 2.74 (commencing with Section 10720) on or before January*  
18 *31, 2020, or the department later determines that the plan does*  
19 *not satisfy the objectives of that part.*

20 ~~SEC. 12.~~

21 *SEC. 14.* Section 10927 of the Water Code is amended to read:

22 10927. Any of the following entities may assume responsibility  
23 for monitoring and reporting groundwater elevations in all or a  
24 part of a basin or subbasin in accordance with this part:

25 (a) A watermaster or water management engineer appointed by  
26 a court or pursuant to statute to administer a final judgment  
27 determining rights to groundwater.

28 (b) (1) A groundwater management agency with statutory  
29 authority to manage groundwater pursuant to its principal act that  
30 is monitoring groundwater elevations in all or a part of a  
31 groundwater basin or subbasin on or before January 1, 2010.

32 (2) A water replenishment district established pursuant to  
33 Division 18 (commencing with Section 60000). This part does not  
34 expand or otherwise affect the authority of a water replenishment  
35 district relating to monitoring groundwater elevations.

36 (3) A groundwater sustainability agency with statutory authority  
37 to manage groundwater pursuant to Part 2.74 (commencing with  
38 Section 10720).

39 (c) A local agency that is managing all or part of a groundwater  
40 basin or subbasin pursuant to Part 2.75 (commencing with Section

1 10750) and that was monitoring groundwater elevations in all or  
2 a part of a groundwater basin or subbasin on or before January 1,  
3 2010, or a local agency or county that is managing all or part of a  
4 groundwater basin or subbasin pursuant to any other legally  
5 enforceable groundwater management plan with provisions that  
6 are substantively similar to those described in that part and that  
7 was monitoring groundwater elevations in all or a part of a  
8 groundwater basin or subbasin on or before January 1, 2010.

9 (d) A local agency that is managing all or part of a groundwater  
10 basin or subbasin pursuant to an integrated regional water  
11 management plan prepared pursuant to Part 2.2 (commencing with  
12 Section 10530) that includes a groundwater management  
13 component that complies with the requirements of Section 10753.7.

14 (e) A local agency that has been collecting and reporting  
15 groundwater elevations and that does not have an adopted  
16 groundwater management plan, if the local agency adopts a  
17 groundwater management plan in accordance with Part 2.75  
18 (commencing with Section 10750) by January 1, 2014. The  
19 department may authorize the local agency to conduct the  
20 monitoring and reporting of groundwater elevations pursuant to  
21 this part on an interim basis, until the local agency adopts a  
22 groundwater management plan in accordance with Part 2.75  
23 (commencing with Section 10750) or until January 1, 2014,  
24 whichever occurs first.

25 (f) A county that is not managing all or a part of a groundwater  
26 basin or subbasin pursuant to a legally enforceable groundwater  
27 management plan with provisions that are substantively similar to  
28 those described in Part 2.75 (commencing with Section 10750).

29 (g) A voluntary cooperative groundwater monitoring association  
30 formed pursuant to Section 10935.

31 ~~SEC. 13.~~

32 *SEC. 15.* Section 10933 of the Water Code is amended to read:

33 10933. (a) The department shall commence to identify the  
34 extent of monitoring of groundwater elevations that is being  
35 undertaken within each basin and subbasin.

36 (b) (1) The department shall prioritize groundwater basins and  
37 subbasins for the purpose of implementing this section. In  
38 prioritizing the basins and subbasins, the department shall, to the  
39 extent data are available, consider all of the following:

40 (A) The population overlying the basin or subbasin.

- 1 (B) The rate of current and projected growth of the population  
2 overlying the basin or subbasin.
- 3 (C) The number of public supply wells that draw from the basin  
4 or subbasin.
- 5 (D) The total number of wells that draw from the basin or  
6 subbasin.
- 7 (E) The irrigated acreage overlying the basin or subbasin.
- 8 (F) The degree to which persons overlying the basin or subbasin  
9 rely on groundwater as their primary source of water.
- 10 (G) Any documented impacts on the groundwater within the  
11 basin or subbasin, including overdraft, subsidence, saline intrusion,  
12 and other water quality degradation.
- 13 (H) Any other information determined to be relevant by the  
14 department.
- 15 (2) The department, in consultation with the Department of Fish  
16 and Wildlife, shall identify and develop prioritization criteria for  
17 the purpose of identifying groundwater basins and subbasins that  
18 should be prioritized based on adverse impacts to habitat and  
19 surface water resources. ~~The~~ *These* criteria shall be incorporated  
20 into the determination of basin and subbasin prioritization at the  
21 department's next update of basin and subbasin prioritizations that  
22 occurs after January 1, 2017.
- 23 (c) If the department determines that all or part of a basin or  
24 subbasin is not being monitored pursuant to this part, the  
25 department shall do all of the following:
- 26 (1) Attempt to contact all well owners within the area not being  
27 monitored.
- 28 (2) Determine if there is an interest in establishing any of the  
29 following:
- 30 (A) A groundwater management plan pursuant to Part 2.75  
31 (commencing with Section 10750).
- 32 (B) An integrated regional water management plan pursuant to  
33 Part 2.2 (commencing with Section 10530) that includes a  
34 groundwater management component that complies with the  
35 requirements of Section 10753.7.
- 36 (C) A voluntary groundwater monitoring association pursuant  
37 to Section 10935.
- 38 (d) If the department determines that there is sufficient interest  
39 in establishing a plan or association described in paragraph (2) of  
40 subdivision (c), or if the county agrees to perform the groundwater

1 monitoring functions in accordance with this part, the department  
2 shall work cooperatively with the interested parties to comply with  
3 the requirements of this part within two years.

4 (e) If the department determines, with regard to a basin or  
5 subbasin, that there is insufficient interest in establishing a plan  
6 or association described in paragraph (2) of subdivision (c), and  
7 if the county decides not to perform the groundwater monitoring  
8 and reporting functions of this part, the department shall do all of  
9 the following:

10 (1) Identify any existing monitoring wells that overlie the basin  
11 or subbasin that are owned or operated by the department or any  
12 other state or federal agency.

13 (2) Determine whether the monitoring wells identified pursuant  
14 to paragraph (1) provide sufficient information to demonstrate  
15 seasonal and long-term trends in groundwater elevations.

16 (3) If the department determines that the monitoring wells  
17 identified pursuant to paragraph (1) provide sufficient information  
18 to demonstrate seasonal and long-term trends in groundwater  
19 elevations, the department shall not perform groundwater  
20 monitoring functions pursuant to Section 10933.5.

21 (4) If the department determines that the monitoring wells  
22 identified pursuant to paragraph (1) provide insufficient  
23 information to demonstrate seasonal and long-term trends in  
24 groundwater elevations, the department shall perform groundwater  
25 monitoring functions pursuant to Section 10933.5.

26 ~~SEC. 14.~~

27 *SEC. 16.* Section 12924 of the Water Code is amended to read:

28 12924. (a) The department, in conjunction with other public  
29 agencies, shall conduct an investigation of the state's groundwater  
30 basins. The department shall identify the state's groundwater basins  
31 on the basis of geological and hydrological conditions and  
32 consideration of political boundary lines whenever practical. The  
33 department shall also investigate existing general patterns of  
34 groundwater ~~pumping~~ *extraction* and groundwater recharge within  
35 those basins to the extent necessary to identify basins that are  
36 subject to critical conditions of overdraft.

37 (b) The department may revise the boundaries of groundwater  
38 basins identified in subdivision (a) based on its own investigations  
39 or information provided by others.

1 (c) The department shall report its findings to the Governor and  
2 the Legislature not later than January 1, 2012, and thereafter in  
3 years ending in 5 or 0.

4 ~~SEC. 15.~~

5 *SEC. 17.* The provisions of this act are severable. If any  
6 provision of this act or its application is held invalid, that invalidity  
7 shall not affect other provisions or applications that can be given  
8 effect without the invalid provision or application.

9 ~~SEC. 16.~~

10 *SEC. 18.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution for certain  
12 costs that may be incurred by a local agency or school district  
13 because, in that regard, this act creates a new crime or infraction,  
14 eliminates a crime or infraction, or changes the penalty for a crime  
15 or infraction, within the meaning of Section 17556 of the  
16 Government Code, or changes the definition of a crime within the  
17 meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 However, if the Commission on State Mandates determines that  
20 this act contains other costs mandated by the state, reimbursement  
21 to local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.

24 ~~SEC. 17.~~

25 *SEC. 19.* The Legislature finds and declares that ~~Section 5 11~~  
26 *of this act, which adds Section 5206 to the Water Code and Section*  
27 *12 of this act, which adds Section 10730.8 to the Water Code,*  
28 ~~imposes~~ *impose* a limitation on the public's right of access to the  
29 meetings of public bodies or the writings of public officials and  
30 agencies within the meaning of Section 3 of Article I of the  
31 California Constitution. Pursuant to that constitutional provision,  
32 the Legislature makes the following findings to demonstrate the  
33 interest protected by this limitation and the need for protecting  
34 that interest:

35 In order to allow this act to fully accomplish its goals, it is  
36 necessary to protect proprietary information submitted pursuant  
37 to this act as confidential. Therefore, it is in the state's interest to  
38 limit public access to this information.

O

## EXHIBIT "C"

### SUMMARY OF SB 1168 (PAVLEY) & AB 1739 (DICKINSON)

#### *THESE BILLS WOULD:*

Establish the Sustainable Groundwater Management Act:

- Applies to groundwater basins.
- Applies to the United States & an Indian tribe to the extent authorized under federal or tribal law.

The Act does not apply to:

- Adjudicated basins, except for the provision of the judgment or judicial order & annual reporting of groundwater use.
- Low & very low priority basins, though such basins are encouraged to adopt groundwater sustainability plans.

Timetable:

- By January 1, 2017:
  - Local agencies must identify whether they elect to be, or to form, a groundwater sustainability agency. There can be more than one groundwater sustainability agency for a basin.
  - The entire basin must be covered by one or more groundwater sustainability agencies; i.e. no “unmanaged areas.”
  - Counties are presumed to be the default groundwater sustainability agency if no other local agency identifies itself as such; counties may elect, or decline, to undertake the role.
  - If there is more than one groundwater sustainability agency for a basin, the agencies must coordinate their planning.
- By January 1, 2020:
  - Each high & medium priority basin must be covered by an adopted groundwater sustainability plan.
  - If there is more than one adopted groundwater sustainability plan for a basin, the plans must use common data & demonstrate how they are coordinated with each other to achieve the basin objectives.
- Annually, upon adoption of a groundwater sustainability plan:
  - Each groundwater sustainability agency would report to DWR groundwater data, including elevation, aggregate extraction, water usage & change in groundwater storage.  
*Note: additional refinements will be made in the bill to address reporting requirements.*
- Every 5 years after 2020:
  - Each groundwater sustainability agency and each local agency with a functional equivalent would recertify it is making progress towards achieving groundwater sustainability.
- By January 1, 2040:
  - Each high & medium priority basin shall achieve its sustainability goals.
  - DWR may grant an extension of up to 10 years upon a showing of good cause.

The groundwater sustainability agency shall:

- Consider the interests of all beneficial uses & users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following:
  - Holders of overlying groundwater rights, including Agricultural & domestic well owners.
  - Municipal well operators.
  - Public water systems.
  - Local land use planning agencies.
  - Environmental users of groundwater.
  - Surface water users, if there is a hydrologic connection between surface & groundwater bodies.
  - The federal government, including, but not limited to, the military & managers of federal lands.
  - Indian tribes.
- Establish & maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, & availability of draft plans, maps, & other relevant documents.
- Inform the department of its election or formation & its intent to undertake sustainable groundwater management within 30 days of its election or formation.
- Be presumed to be the County for any area within a basin that is not within the management area of an existing groundwater sustainability agency; counties may elect, or decline, to undertake the role.

Agency powers & authorities:

- In addition to any other powers & authorities an agency may have, upon becoming an groundwater sustainability agency, the agency would be authorized to do the following:
  - To prepare & adopt a groundwater sustainability plan.
  - Adopt rules, regulations, ordinances, & resolutions.
  - To propose & update fees.
  - To monitor compliance & enforcement.
  - To require registration of groundwater extraction facilities.
  - To require every groundwater extraction facility be measured.
  - To appropriate & acquire surface water or groundwater & surface water or groundwater rights, import surface water or groundwater into the agency, & conserve & store that water within or outside the agency.
  - To transport, reclaim, purify, desalinate, treat, or otherwise manage & control polluted water, wastewater, or other waters for subsequent use.
  - File an action to determine the validity of the groundwater sustainability plan.
- This Act does not grant new authorities to groundwater sustainability agencies to do any of the following:
  - Issue permits for the construction, modification, or abandonment of groundwater wells
  - However, a county may authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells.



#### Contents of the plans:

- A groundwater sustainability plan must include:
  - A planning & implementation horizon of at least 50 years.
  - Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of implementing the plan.
  - A description of the physical setting & characteristics of the aquifer system underlying the basin.
  - A description of how the plan helps meet each objective & how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.
  - Components relating to the monitoring & management of groundwater levels, groundwater quality degradation, inelastic land surface subsidence, & changes in surface flow & surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.
  - Mitigation of overdraft.
- A groundwater sustainability plan may when appropriate & in collaboration with the appropriate local agencies include any of the following:
  - Control of saline water intrusion.
  - Wellhead protection areas & recharge areas.
  - Migration of contaminated groundwater.
  - A well abandonment & well destruction program.
  - Replenishment of groundwater extractions.
  - Activities implementing, opportunities for, & impediments to, conjunctive use.
  - Well construction policies.
  - Measures addressing groundwater contamination cleanup, recharge, diversions to storage, conservation, water recycling, conveyance, & extraction projects.
  - Efficient water management practices.
  - Efforts to develop relationships with state & federal regulatory agencies.
  - Processes to review land use plans & efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity.

#### Functional equivalence:

- Local agencies in high and medium priority groundwater basins that demonstrate that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years will be in compliance with the plan requirements.  
***Note: additional refinements will be made in the bill to address functional equivalency.***

#### Coordination of multiple plans for a basin:

- If multiple groundwater sustainability agencies cover a basin, there must be a coordination agreement that covers the entire basin & ensures that the plans utilize the same data for the following assumptions in developing the plan:
  - Groundwater elevation data.
  - Groundwater extraction data.
  - Surface water supply.
  - Total water use.

- Change in groundwater storage.
- Water budget.
- Sustainable yield.

**DWR Review *Note: additional refinements will be made in the bill to clarify this process:***

- By June 1, 2016, DWRs shall develop guidelines for evaluating groundwater sustainability plans & groundwater sustainability programs.
- The guidelines shall identify the necessary plan components & other information that will assist local agencies in developing & implementing groundwater sustainability plans & groundwater sustainability programs.
- Upon completion of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to DWR for review.
- DWR shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency & issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by DWR.
- At least every five years after submission, DWR, in consultation with the board, shall review the basin conditions and the progress in implementing a groundwater sustainability plan, or a plan or program deemed to be a functional equivalent for consistency with this part, including achieving the sustainability goal.
- DWR shall adopt a schedule of fees to recover costs incurred in carrying out this chapter.

**State Intervention *Note: additional refinements will be made in the bill to clarify this process:***

- General provisions:
  - Intervention is not mandatory; the state water board always may exercise discretion.
  - The board has discretion to apply pressure incrementally.
  - 2- & 5-year safe havens for governance & plans, respectively.
- The four conditions that would allow state intervention:
  1. When local authorities fail to have subbasin-wide governance in 2 years.
  2. When local authorities fail to adopt a subbasin-wide plan in 5 years.
  3. When DWR determines that a plan is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
  4. When DWR determines that implementation is inadequate & the board determines that the basin is in a state of long-term overdraft or has significant depletions of interconnected surface water.
- The board will consult with DWR in assessing overdraft or surface water depletions.
- Long term overdraft is defined so that drought won't trigger intervention.
- Process:
  - If any of the four above conditions apply, the board may designate a basin as a probationary basin:
    - The board is required to identify specific deficiencies.
    - Deficiencies are limited to overdraft or surface water problems – not other problems with plans.
    - Designation triggers a 180-day cure period. During the cure period, the board may appoint a mediator to assist local agencies. The board may require extractors to report extractions.

- If the local agency does not cure the deficiency, the state water board may proceed with an interim plan:
  - The interim plan would address the deficiencies identified in the probation designation & are thus limited to overdraft & surface water issues, not other problems.
  - The board may tailor remedies within a subbasin by relying on local groundwater sustainability plans that are working well & focusing on problem areas.
  - The board may stay action or rescind its interim plan if local agencies are making good progress on a groundwater sustainability plan or an adjudication, even if the progress or adjudication is incomplete.
- If it limits extractions, the board must follow water right priorities to the extent feasible.
- The board may impose fees on extractors to pay its costs.

These bills would also:

- Establish that it is the policy of the state that groundwater resources be managed sustainably for long term water supply reliability & multiple economic, social, or environmental benefits for current & future beneficial uses.
- Require a city or county planning agency, before adopting or substantially amending a general plan, to review & consider groundwater sustainability plans.
- DWR may provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development & implementation of a groundwater sustainability plan. DWR shall use its best efforts to provide the requested assistance.
- A basin's boundaries are those identified in Bulletin 118 unless other basin boundaries are established pursuant to this Act:
  - A local agency may request DWR to revise the boundaries of a basin, including the establishment of new subbasins.
  - A local agency's request shall be supported by information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management; technical information regarding the boundaries of, & conditions in, the proposed adjusted basin; & information demonstrating that the entity proposing the basin boundary adjustment consulted with interested local agencies & public water systems in the affected basins before filing the proposal with the department
- DWR shall prioritize basins & subbasins as provided in CASGEM (California State Groundwater Elevation Monitoring).
- DWR, in consultation with California Department of Fish & Wildlife, shall identify & develop criteria to identify groundwater basins & subbasins that should be prioritized based on adverse impacts to habitat & surface water resources. The criteria shall be incorporated into the determination of basin & subbasin prioritization at the department's next update of basin & subbasin prioritizations that occurs after January 1, 2017.
- Nothing in the bill prevents a legal action to adjudicate water rights.

AMENDED IN ASSEMBLY AUGUST 6, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1168**

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**Introduced by Senator Pavley**

(Principal coauthor: Assembly Member Dickinson)

(Coauthor: Assembly Member Rendon)

February 20, 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, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term ~~water supply~~ reliability and

multiple economic, social, ~~or~~ *and* environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) 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, *with certain exceptions*, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being ~~renewed, except for a low- or very low priority basin.~~ *renewed.*

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability

plan or coordinated groundwater sustainability ~~plans of a groundwater sustainability agency, plans,~~ with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. ~~This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.~~ This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater ~~pumping, extraction,~~ and to impose certain fees.

This 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.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon ~~completion.~~ *adoption.* This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop ~~guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs.~~ *certain guidelines.* This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative

~~plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. 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 require the department to adopt a schedule of fees to recover costs incurred.~~

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or 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.

*Existing*

(4) *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 ~~board's~~ *State Water Resources Control Board's* water rights program.

*This bill would provide that the money in the Water Rights Fund is 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 for the purpose of administering the above-described provisions: 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 ~~the above-described provisions: any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.~~

(5) *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 to the board or certain other entity 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. 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)~~

(6) 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 ~~of~~ *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 public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

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

~~(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins~~

identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.

(6)

(7) 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)

(8) 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.

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

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

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the  
3 protection, management, and reasonable beneficial use of the water  
4 resources of the state, both surface and underground, and that the  
5 integrated management of the state’s water resources is essential  
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California’s  
8 water supply. Groundwater accounts for more than one-third of  
9 the water used by Californians in an average year and more than  
10 one-half of the water used by Californians in a drought year when  
11 other sources are unavailable.

12 (3) Excessive groundwater ~~pumping~~ extraction can cause  
13 overdraft, failed wells, deteriorated water quality, environmental  
14 damage, and irreversible land subsidence that damages  
15 infrastructure and diminishes the capacity of aquifers to store water  
16 for the future.

1 (4) When properly managed, groundwater resources will help  
2 protect communities, farms, and the environment against prolonged  
3 dry periods and climate change, preserving water supplies for  
4 existing and potential beneficial use.

5 (5) Failure to manage groundwater to prevent long-term  
6 overdraft infringes on groundwater rights.

7 (6) Groundwater resources are most effectively managed at the  
8 local or regional level.

9 (7) Groundwater management will not be effective unless local  
10 actions to sustainably manage groundwater basins and subbasins  
11 are taken.

12 (8) Local and regional agencies need to have the necessary  
13 support and authority to manage groundwater sustainably.

14 (9) In those circumstances where a local groundwater  
15 management agency is not managing its groundwater sustainably,  
16 the state needs to protect the resource until it is determined that a  
17 local groundwater management agency can sustainably manage  
18 the groundwater basin or subbasin.

19 (10) Information on the amount of groundwater extraction,  
20 natural and artificial recharge, and groundwater evaluations are  
21 critical for effective management of groundwater.

22 (11) Sustainable groundwater management in California depends  
23 upon creating more opportunities for robust conjunctive  
24 management of surface water *and groundwater* resources. Climate  
25 change will intensify the need to recalibrate and reconcile surface  
26 *water* and groundwater management strategies.

27 (b) It is therefore the intent of the Legislature to do all of the  
28 following:

29 (1) To provide local and regional agencies the authority to  
30 sustainably manage groundwater.

31 (2) To provide that if no local groundwater agency or agencies  
32 provide sustainable groundwater management for a groundwater  
33 basin or subbasin, the state has the authority to develop and  
34 implement a ~~groundwater sustainability~~ *an interim* plan until the  
35 time the local groundwater ~~management sustainability~~ agency or  
36 agencies can assume management of the basin or subbasin.

37 (3) To require the development and reporting of those data  
38 necessary to support sustainable groundwater management,  
39 including those data that help describe the basin's geology, the  
40 short- and long-term trends of the basin's water balance, and other

1 measures of sustainability, and those data necessary to resolve  
2 disputes regarding sustainable yield, beneficial uses, and water  
3 rights.

4 (4) To respect overlying and other proprietary rights to  
5 groundwater.

6 SEC. 2. Section 65350.5 is added to the Government Code, to  
7 read:

8 65350.5. Before the adoption or any substantial amendment  
9 of a city's or county's general plan, the planning agency shall  
10 review and consider all of the following:

11 (a) An adoption of, or update to, a groundwater sustainability  
12 plan or groundwater management plan pursuant to Part 2.74  
13 (commencing with Section 10720) or Part 2.75 (commencing with  
14 Section 10750) of Division 6 of the Water Code or groundwater  
15 management court order, judgment, or decree.

16 (b) An adjudication of water rights.

17 (c) An order *or interim plan* by the State Water Resources  
18 Control Board pursuant to Chapter 11 (commencing with Section  
19 10735) of Part 2.74 of Division 6 of the Water Code.

20 SEC. 3. Section 65352 of the Government Code is amended  
21 to read:

22 65352. (a) Before a legislative body takes action to adopt or  
23 substantially amend a general plan, the planning agency shall refer  
24 the proposed action to all of the following entities:

25 (1) A city or county, within or abutting the area covered by the  
26 proposal, and any special district that may be significantly affected  
27 by the proposed action, as determined by the planning agency.

28 (2) An elementary, high school, or unified school district within  
29 the area covered by the proposed action.

30 (3) The local agency formation commission.

31 (4) An areawide planning agency whose operations may be  
32 significantly affected by the proposed action, as determined by the  
33 planning agency.

34 (5) A federal agency, if its operations or lands within its  
35 jurisdiction may be significantly affected by the proposed action,  
36 as determined by the planning agency.

37 (6) (A) The branches of the United States Armed Forces that  
38 have provided the Office of Planning and Research with a  
39 California mailing address pursuant to subdivision (d) of Section  
40 65944, if the proposed action is within 1,000 feet of a military

1 installation, or lies within special use airspace, or beneath a  
2 low-level flight path, as defined in Section 21098 of the Public  
3 Resources Code, and if the United States Department of Defense  
4 provides electronic maps of low-level flight paths, special use  
5 airspace, and military installations at a scale and in an electronic  
6 format that is acceptable to the Office of Planning and Research.

7 (B) Within 30 days of a determination by the Office of Planning  
8 and Research that the information provided by the Department of  
9 Defense is sufficient and in an acceptable scale and format, the  
10 office shall notify cities, counties, and cities and counties of the  
11 availability of the information on the Internet. Cities, counties, and  
12 cities and counties shall comply with subparagraph (A) within 30  
13 days of receiving this notice from the office.

14 (7) A public water system, as defined in Section 116275 of the  
15 Health and Safety Code, with 3,000 or more service connections,  
16 that serves water to customers within the area covered by the  
17 proposal. The public water system shall have at least 45 days to  
18 comment on the proposed plan, in accordance with subdivision  
19 (b), and to provide the planning agency with the information set  
20 forth in Section 65352.5.

21 (8) Any groundwater sustainability agency that has adopted a  
22 groundwater sustainability plan pursuant to Part 2.74 (commencing  
23 with Section 10720) of Division 6 of the Water Code or local  
24 agency that otherwise manages groundwater pursuant to other  
25 provisions of law or a court order, judgment, or decree within the  
26 planning area of the proposed general plan.

27 (9) The State Water Resources Control Board, if it has adopted  
28 an interim plan pursuant to ~~Part 2.74 (commencing with Section~~  
29 ~~10720)~~ *Chapter 11 (commencing with Section 10735) of Part 2.74*  
30 of Division 6 of the Water Code that includes territory within the  
31 planning area of the proposed general plan.

32 (10) The Bay Area Air Quality Management District for a  
33 proposed action within the boundaries of the district.

34 (11) A California Native American tribe, that is on the contact  
35 list maintained by the Native American Heritage Commission and  
36 that has traditional lands located within the city's or county's  
37 jurisdiction.

38 (12) The Central Valley Flood Protection Board, for a proposed  
39 action within the boundaries of the Sacramento and San Joaquin  
40 Drainage District, as set forth in Section 8501 of the Water Code.

1 (b) An entity receiving a proposed general plan or amendment  
2 of a general plan pursuant to this section shall have 45 days from  
3 the date the referring agency mails it or delivers it to comment  
4 unless a longer period is specified by the planning agency.

5 (c) (1) This section is directory, not mandatory, and the failure  
6 to refer a proposed action to the entities specified in this section  
7 does not affect the validity of the action, if adopted.

8 (2) To the extent that the requirements of this section conflict  
9 with the requirements of Chapter 4.4 (commencing with Section  
10 65919), the requirements of Chapter 4.4 shall prevail.

11 SEC. 4. Section 65352.5 of the Government Code is amended  
12 to read:

13 65352.5. (a) The Legislature finds and declares that it is vital  
14 that there be close coordination and consultation between  
15 California's water supply or management agencies and California's  
16 land use approval agencies to ensure that proper water supply and  
17 management planning occurs to accommodate projects that will  
18 result in increased demands on water supplies or impact water  
19 resource management.

20 (b) It is, therefore, the intent of the Legislature to provide a  
21 standardized process for determining the adequacy of existing and  
22 planned future water supplies to meet existing and planned future  
23 demands on these water supplies and the impact of land use  
24 decisions on the management of California's water supply  
25 resources.

26 (c) Upon receiving, pursuant to Section 65352, notification of  
27 a city's or a county's proposed action to adopt or substantially  
28 amend a general plan, a public water system, as defined in Section  
29 116275 of the Health and Safety Code, with 3,000 or more service  
30 connections, shall provide the planning agency with the following  
31 information, as is appropriate and relevant:

32 (1) The current version of its urban water management plan,  
33 adopted pursuant to Part 2.6 (commencing with Section 10610)  
34 of Division 6 of the Water Code.

35 (2) The current version of its capital improvement program or  
36 plan, as reported pursuant to Section 31144.73 of the Water Code.

37 (3) A description of the source or sources of the total water  
38 supply currently available to the water supplier by water right or  
39 contract, taking into account historical data concerning wet, normal,  
40 and dry runoff years.

- 1 (4) A description of the quantity of surface water that was  
 2 purveyed by the water supplier in each of the previous five years.
- 3 (5) A description of the quantity of groundwater that was  
 4 purveyed by the water supplier in each of the previous five years.
- 5 (6) A description of all proposed additional sources of water  
 6 supplies for the water supplier, including the estimated dates by  
 7 which these additional sources should be available and the  
 8 quantities of additional water supplies that are being proposed.
- 9 (7) A description of the total number of customers currently  
 10 served by the water supplier, as identified by the following  
 11 categories and by the amount of water served to each category:
- 12 (A) Agricultural users.  
 13 (B) Commercial users.  
 14 (C) Industrial users.  
 15 (D) Residential users.
- 16 (8) Quantification of the expected reduction in total water  
 17 demand, identified by each customer category set forth in paragraph  
 18 (7), associated with future implementation of water use reduction  
 19 measures identified in the water supplier’s urban water  
 20 management plan.
- 21 (9) Any additional information that is relevant to determining  
 22 the adequacy of existing and planned future water supplies to meet  
 23 existing and planned future demands on these water supplies.
- 24 (10) A report on the anticipated effect of proposed action to  
 25 adopt or substantially amend a general plan on implementation of  
 26 a groundwater sustainability plan pursuant to Part 2.74  
 27 (commencing with Section 10720) of Division 6 of the Water  
 28 Code.
- 29 (d) Upon receiving, pursuant to Section 65352, notification of  
 30 a city’s or a county’s proposed action to adopt or substantially  
 31 amend a general plan, a groundwater sustainability agency, as  
 32 defined in Section ~~10720.5~~ 10721 of the Water Code, shall provide  
 33 the planning agency with the following information, as is  
 34 appropriate and relevant:
- 35 (1) The current version of its groundwater sustainability plan  
 36 adopted pursuant to Part 2.74 (commencing with Section 10720)  
 37 of Division 6 of the Water Code.
- 38 (2) If the groundwater sustainability agency manages  
 39 groundwater pursuant to a court order, judgment, decree, or  
 40 agreement among affected water rights holders, or if the State

1 Water Resources Control Board has adopted ~~a groundwater~~  
2 ~~sustainability~~ *an interim* plan pursuant to ~~Part 2.74 (commencing~~  
3 ~~with Section 10720) Chapter 11 (commencing with Section 10735)~~  
4 *of Part 2.74* of Division 6 of the Water Code, the groundwater  
5 sustainability agency shall provide the planning agency with maps  
6 of recharge basins and percolation ponds, extraction limitations,  
7 and other relevant information, or the court order, judgment, or  
8 decree.

9 SEC. 5. Section 113 is added to the Water Code, to read:

10 113. It is the policy of the state that groundwater resources be  
11 managed sustainably for long-term ~~water supply~~ reliability and  
12 multiple economic, social, ~~or~~ *and* environmental benefits for  
13 current and future beneficial uses. Sustainable groundwater  
14 management is best achieved locally through the development,  
15 implementation, and updating of plans and programs based on the  
16 best available science.

17 SEC. 6. Section 348 of the Water Code is amended to read:

18 348. (a) The department or the board may adopt emergency  
19 regulations providing for the electronic filing of reports of *water*  
20 *extraction or* water diversion or use required to be filed with the  
21 department or board under this code, including, but not limited to,  
22 any report required to be filed under Part 5.1 (commencing with  
23 Section 5100) *or Part 5.2 (commencing with Section 5200)* of  
24 Division 2 and any report required to be filed by a water right  
25 permittee or licensee.

26 (b) Emergency regulations adopted pursuant to this section, or  
27 any amendments thereto, shall be adopted by the department or  
28 the board in accordance with Chapter 3.5 (commencing with  
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
30 Code. The adoption of these regulations is an emergency and shall  
31 be considered by the Office of Administrative Law as necessary  
32 for the immediate preservation of the public peace, health, safety,  
33 and general welfare. Notwithstanding Chapter 3.5 (commencing  
34 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
35 Government Code, any emergency regulations or amendments to  
36 those regulations adopted under this section shall remain in effect  
37 until revised by the department or the board that adopted the  
38 regulations or amendments.

39 ~~SEC. 6.~~

40 SEC. 7. Section 1120 of the Water Code is amended to read:



1 1120. This chapter applies to any decision or order issued under  
2 this part or Section 275, Part 2 (commencing with Section 1200),  
3 Part 2 (commencing with Section 10500) of Division 6, Chapter  
4 11 (commencing with Section 10735) of Part 2.74 of Division 6,  
5 Article 7 (commencing with Section 13550) of Chapter 7 of  
6 Division 7, or the public trust doctrine.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 1529.5 is added to the Water Code, to read:

9 1529.5. (a) The board shall adopt a schedule of fees pursuant  
10 to Section 1530 to recover costs incurred in administering Chapter  
11 11 (commencing with Section 10735) of Part 2.74 of Division 6.  
12 Recoverable costs include, but are not limited to, costs incurred  
13 in connection with investigations, facilitation, monitoring, hearings,  
14 enforcement, and administrative costs in carrying out these actions.

15 (b) The fee schedule adopted under this section may include,  
16 but is not limited to, the following:

17 (1) A fee for participation as a petitioner or party to an  
18 adjudicative proceeding.

19 (2) A fee for the filing of a report pursuant to Part 5.2  
20 (commencing with Section 5200) of Division ~~2 for extractions~~  
21 ~~from a source within the boundaries of a probationary basin under~~  
22 ~~Section 10735.2. 2.~~

23 (c) Consistent with Section 3 of Article XIII A of the California  
24 Constitution, the board shall set the fees under this section in an  
25 amount sufficient to cover all costs incurred and expended from  
26 the Water Rights Fund for the ~~purpose of~~ *purposes of Part 5.2*  
27 *(commencing with Section 5200) and Chapter 11 (commencing*  
28 *with Section 10735) of Part 2.74 of Division 6. In setting these*  
29 *fees, the board is not required to fully recover these costs in the*  
30 *year or the year immediately after the costs are incurred, but the*  
31 *board may provide for recovery of these costs over a period of*  
32 *years.*

33 *SEC. 9. Section 1552 of the Water Code is amended to read:*

34 1552. The money in the Water Rights Fund is available for  
35 expenditure, upon appropriation by the Legislature, for the  
36 following purposes:

37 (a) For expenditure by the State Board of Equalization in the  
38 administration of this chapter and the Fee Collection Procedures  
39 Law (Part 30 (commencing with Section 55001) of Division 2 of

1 the Revenue and Taxation Code) in connection with any fee or  
2 expense subject to this chapter.

3 (b) For the payment of refunds, pursuant to Part 30 (commencing  
4 with Section 55001) of Division 2 of the Revenue and Taxation  
5 Code, of fees or expenses collected pursuant to this chapter.

6 (c) For expenditure by the board for the purposes of carrying  
7 out this division, Division 1 (commencing with Section 100), Part  
8 2 (commencing with Section 10500) and Chapter 11 (commencing  
9 with Section 10735) of Part 2.74 of Division 6, and Article 7  
10 (commencing with Section 13550) of Chapter 7 of Division 7.

11 (d) For expenditures by the board for the purposes of carrying  
12 out Sections 13160 and 13160.1 in connection with activities  
13 involving hydroelectric power projects subject to licensing by the  
14 Federal Energy Regulatory Commission.

15 (e) For expenditures by the board for the purposes of carrying  
16 out Sections 13140 and 13170 in connection with plans and policies  
17 that address the diversion or use of water.

18 ~~SEC. 8.~~

19 *SEC. 10.* Section 1831 of the Water Code is amended to read:

20 1831. (a) When the board determines that any person is  
21 violating, or threatening to violate, any requirement described in  
22 subdivision (d), the board may issue an order to that person to  
23 cease and desist from that violation.

24 (b) The cease and desist order shall require that person to comply  
25 forthwith or in accordance with a time schedule set by the board.

26 (c) The board may issue a cease and desist order only after  
27 notice and an opportunity for hearing pursuant to Section 1834.

28 (d) The board may issue a cease and desist order in response to  
29 a violation or threatened violation of any of the following:

30 (1) The prohibition set forth in Section 1052 against the  
31 unauthorized diversion or use of water subject to this division.

32 (2) Any term or condition of a permit, license, certification, or  
33 registration issued under this division.

34 (3) Any decision or order of the board issued under this part,  
35 Section 275, Chapter 11 (commencing with Section 10735) of Part  
36 2.74 of Division 6, or Article 7 (commencing with Section 13550)  
37 of Chapter 7 of Division 7, in which decision or order the person  
38 to whom the cease and desist order will be issued, or a predecessor  
39 in interest to that person, was named as a party directly affected  
40 by the decision or order.

- 1 (4) A regulation adopted under Section 1058.5.
- 2 (5) Any ~~pumping~~ *extraction* restriction, limitation, order, or
- 3 regulation adopted or issued under Chapter 11 (commencing with
- 4 Section 10735) of Part 2.74 of Division 6.
- 5 (e) This article does not authorize the board to regulate in any
- 6 manner, the diversion or use of water not otherwise subject to
- 7 regulation of the board under this division or Section 275.

8 ~~SEC. 9.~~

9 SEC. 11. Part 5.2 (commencing with Section 5200) is added  
10 to Division 2 of the Water Code, to read:

11

12 PART 5.2. GROUNDWATER EXTRACTION REPORTING  
13 FOR PROBATIONARY BASINS AND BASINS WITHOUT A  
14 GROUNDWATER SUSTAINABILITY AGENCY

15

16 ~~5200. It is the intent of the Legislature to subsequently amend~~  
17 ~~this measure to adopt extraction reporting requirements for basins~~  
18 ~~identified as probationary basins pursuant to Section 10735.2, or~~  
19 ~~as authorized by subdivision (b) of Section 10724, for basins~~  
20 ~~without a groundwater sustainability agency.~~

21 5200. *The Legislature finds and declares that this part*  
22 *establishes groundwater reporting requirements for the purposes*  
23 *of subdivision (b) of Section 10724 and Chapter 11 (commencing*  
24 *with Section 10735) of Part 2.74 of Division 6.*

25 5201. *As used in this part:*

26 (a) *“Basin” has the same meaning as defined in Section 10721.*

27 (b) *“Board-designated local area” has the same meaning as*  
28 *defined in Section 5009.*

29 (c) *“De minimis extractor” has the same meaning as defined*  
30 *in Section 10721.*

31 (d) *“Groundwater” has the same meaning as defined in Section*  
32 *10721.*

33 (e) *“Groundwater extraction facility” has the same meaning*  
34 *as defined in Section 10721.*

35 (f) *“Groundwater sustainability agency” has the same meaning*  
36 *as defined in Section 10721.*

37 (g) *“Person” has the same meaning as defined in Section 10735.*

38 (h) *“Probationary basin” has the same meaning as defined in*  
39 *Section 10735.*

1 (i) “Personal information” has the same meaning as defined  
2 in Section 1798.3 of the Civil Code.

3 (j) “Water year” has the same meaning as defined in Section  
4 10721.

5 5202. (a) This section applies to a person who does either of  
6 the following:

7 (1) Extracts groundwater from a probationary basin 90 days  
8 or more after the board designates the basin as a probationary  
9 basin pursuant to Section 10735.2.

10 (2) Extracts groundwater on or after January 1, 2017, in an  
11 area within a basin that is not within the management area of a  
12 groundwater sustainability agency and where the county does not  
13 assume responsibility to be the groundwater sustainability agency,  
14 as provided in subdivision (b) of Section 10724.

15 (b) Except as provided in subdivision (c), a person subject to  
16 this section shall file a report of groundwater extraction by  
17 December 15 of each year for extractions made in the preceding  
18 water year.

19 (c) Unless reporting is required pursuant to paragraph (2) of  
20 subdivision (c) of Section 10735.2, this section does not apply to  
21 any of the following:

22 (1) An extraction by a *de minimis* extractor.

23 (2) An extraction excluded from reporting pursuant to paragraph  
24 (1) of subdivision (c) of Section 10735.2.

25 (3) An extraction reported pursuant to Part 5 (commencing with  
26 Section 4999).

27 (4) An extraction that is included in annual reports filed with  
28 a court or the board by a watermaster appointed by a court or  
29 pursuant to statute to administer a final judgment determining  
30 rights to water. The reports shall identify the persons who have  
31 extracted water and give the general place of use and the quantity  
32 of water that has been extracted from each source.

33 (d) Except as provided in Section 5209, the report shall be filed  
34 with the board.

35 (e) The report may be filed by the person extracting water or  
36 on that person’s behalf by an agency that person designates and  
37 that maintains a record of the water extracted.

38 (f) Each report shall be accompanied by the fee imposed  
39 pursuant to Section 1529.5.

1 5203. Each report shall be prepared on a form provided by  
2 the board. The report shall include all of the following information:

3 (a) The name and address of the person who extracted  
4 groundwater and of the person filing the report.

5 (b) The name of the basin from which groundwater was  
6 extracted.

7 (c) The place of groundwater extraction. The location of the  
8 groundwater extraction facilities shall be depicted on a specific  
9 United States Geological Survey topographic map or shall be  
10 identified using the California Coordinate System or a latitude  
11 and longitude measurement. If assigned, the public land description  
12 to the nearest 40-acre subdivision and the assessor's parcel  
13 number shall be provided.

14 (d) The capacity of the groundwater extraction facilities.

15 (e) Monthly records of groundwater extractions. The  
16 measurements of the extractions shall be made by a methodology,  
17 water-measuring device, or combination thereof satisfactory to  
18 the board.

19 (f) The purpose of use.

20 (g) A general description of the area in which the water was  
21 used. The location of the place of use shall be depicted on a specific  
22 United States Geological Survey topographic map or on any other  
23 maps with identifiable landmarks. If assigned, the public land  
24 description to the nearest 40-acre subdivision and the assessor's  
25 parcel number shall also be provided.

26 (h) As near as is known, the year in which the groundwater  
27 extraction was commenced.

28 (i) Any information required pursuant to paragraph (3) of  
29 subdivision (c) of Section 10735.2.

30 (j) Any other information that the board may require by  
31 regulation and that is reasonably necessary for purposes of this  
32 division or Part 2.74 (commencing with Section 10720) of Division  
33 6.

34 5204. (a) If a person fails to file a report as required by this  
35 part, the board may, at the expense of that person, investigate and  
36 determine the information required to be reported pursuant to this  
37 part.

38 (b) The board shall give a person described in subdivision (a)  
39 notice of its intention to investigate and determine the information

1 required to be reported pursuant to this part and 60 days in which  
2 to file a required report without penalty.

3 5205. A report submitted under this part or a determination  
4 of facts by the board pursuant to Section 5104 shall not establish  
5 or constitute evidence of a right to divert or use water.

6 5206. Personal information included in a report of groundwater  
7 extraction shall have the same protection from disclosure as is  
8 provided for information concerning utility customers of local  
9 agencies pursuant to Section 6254.16 of the Government Code.

10 5207. (a) A prescriptive right to extract groundwater that may  
11 otherwise occur shall not arise or accrue to, and a statute of  
12 limitations shall not operate in favor of, a person required to file  
13 a report pursuant to this part until the person files the report.

14 (b) For purposes of establishing or maintaining a water right,  
15 failure to file a report required to be filed pursuant to this part  
16 within six months after the report is due shall be deemed equivalent  
17 to nonuse during the period for which the report was required.

18 5208. Section 5107 applies to a report or measuring device  
19 required pursuant to this part. For purposes of Section 5107, a  
20 report of groundwater extraction, measuring device, or  
21 misstatement required, used, or made pursuant to this part shall  
22 be considered the equivalent of a statement, measuring device, or  
23 misstatement required, used, or made pursuant to Part 5.1  
24 (commencing with Section 5100).

25 5209. For groundwater extractions in a board-designated local  
26 area, reports required pursuant to this part shall be submitted to  
27 the entity designated pursuant to subdivision (e) of Section 5009  
28 if both of the following occur:

29 (a) The board determines that the requirements of subdivision  
30 (e) of Section 5009 have been satisfied with respect to extractions  
31 subject to reporting pursuant to this part, in addition to any  
32 groundwater extractions subject to Part 5 (commencing with  
33 Section 4999).

34 (b) The designated entity has made satisfactory arrangements  
35 to collect and transmit to the board any fees imposed pursuant to  
36 paragraph (2) of subdivision (b) of Section 1529.5.

37 ~~SEC. 10.~~

38 SEC. 12. Part 2.74 (commencing with Section 10720) is added  
39 to Division 6 of the Water Code, to read:

PART 2.74. SUSTAINABLE GROUNDWATER  
MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part shall be known, and may be cited, as the  
“Sustainable Groundwater Management Act.”

10720.1. In enacting this part, it is the intent of the Legislature  
to do all of the following:

(a) To provide for the sustainable management of groundwater  
basins.

(b) To enhance local management of groundwater consistent  
with rights to use or store groundwater and Section 2 of Article X  
of the California Constitution. It is the intent of the Legislature to  
preserve the security of water rights in the state to the greatest  
extent possible consistent with the sustainable management of  
groundwater.

(c) To establish minimum standards for sustainable groundwater  
management.

(d) To provide local groundwater agencies with the authority  
and the technical and financial assistance necessary to sustainably  
manage groundwater.

(e) To avoid or minimize subsidence.

(f) To improve data collection and understanding about  
groundwater.

(g) To increase groundwater storage and remove impediments  
to recharge.

(h) To manage groundwater basins through the actions of local  
governmental agencies to the greatest extent feasible, while  
minimizing state intervention to only when necessary to ensure  
that local agencies manage groundwater in a sustainable manner.

10720.3. (a) This part applies to all groundwater basins in the  
state.

(b) To the extent authorized under federal or tribal law, this part  
applies to an Indian tribe and to the federal government, including,  
but not limited to, the Department of Defense.

10720.5. Groundwater management pursuant to this part shall  
be consistent with Section 2 of Article X of the California  
Constitution. Nothing in this part modifies rights or priorities to  
use or store groundwater consistent with Section 2 of Article X of

1 the California Constitution, except that in basins designated  
2 medium- or high-priority basins by the department, no extraction  
3 of groundwater between January 1, 2015, and the date of adoption  
4 of a groundwater sustainability plan pursuant to this part, whichever  
5 is sooner, may be used as evidence of, or to establish or defend  
6 against, any claim of prescription.

7 ~~10720.7. Subject to Chapter 6 (commencing with Section~~  
8 ~~10725), by~~ By January 31, 2020, all basins designated as high- or  
9 medium-priority basins by the department shall be managed under  
10 a groundwater sustainability plan or coordinated groundwater  
11 sustainability plans pursuant to this part. The Legislature  
12 encourages and authorizes basins designated as low- and very low  
13 priority basins by the department to be managed under groundwater  
14 sustainability plans pursuant to this part.

15 10720.9. (a) Except as provided in ~~Section 10733.6,~~  
16 *subdivision (d)*, this part does not apply to *the following*  
17 *adjudicated areas* or a local agency that conforms to the  
18 requirements of an adjudication of water rights ~~in a groundwater~~  
19 ~~basin or to that adjudicated basin.~~ For purposes of this section, an  
20 ~~adjudication includes an adjudication under Section 2101, an~~  
21 ~~administrative adjudication, and an adjudication in state or federal~~  
22 ~~court, including, but not limited to, for one of the following~~  
23 ~~adjudicated groundwater basins:~~ *areas:*

- 24 (1) Beaumont Basin.
- 25 (2) Brite Basin.
- 26 (3) Central Basin.
- 27 (4) Chino Basin.
- 28 (5) Cucamonga Basin.
- 29 (6) Cummings Basin.
- 30 (7) Goleta Basin.
- 31 (8) ~~Main San Gabriel Basin: Puente Narrows Basin.~~
- 32 (9) Mojave Basin Area.
- 33 (10) Puente Basin.
- 34 (11) Raymond Basin.
- 35 (12) San Jacinto Basin.
- 36 (13) Santa Margarita River Watershed.
- 37 (14) Santa Maria Valley Basin.
- 38 (15) Santa Paula Basin.
- 39 (16) Scott River Stream System.
- 40 (17) Seaside Basin.



- 1 (18) Six Basins.
- 2 (19) Tehachapi Basin.
- 3 (20) Upper Los Angeles River Area.
- 4 (21) Warren Valley Basin.
- 5 (22) West Coast Basin.
- 6 (23) Western San Bernardino.

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

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

16 *(d) The watermaster or a local agency within a basin identified*  
 17 *in subdivision (a) shall do all of the following:*

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

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

25 *(3) By January 1, 2016, and annually by January 1 of each year*  
 26 *thereafter, submit to the department a report containing the*  
 27 *following information for the portion of the basin subject to the*  
 28 *adjudication:*

29 *(A) Groundwater elevation data.*

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

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

34 *(D) Total water use.*

35 *(E) Change in groundwater storage.*

36

37

## CHAPTER 2. DEFINITIONS

38

39 10721. Unless the context otherwise requires, the following  
 40 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-minimus *minimis* extractor” means a person who  
20 extracts, for 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.

31 (j) “Groundwater sustainability agency” means one or more  
32 local agencies that implement the provisions of this part. For  
33 purposes of imposing fees pursuant to Chapter 8 (commencing  
34 with Section 10730) or taking action to enforce a groundwater  
35 sustainability plan, “groundwater sustainability agency” also means  
36 each local agency comprising the groundwater sustainability  
37 agency if the plan authorizes separate agency action.

38 (k) “Groundwater sustainability plan” or “plan” means a plan  
39 of a groundwater sustainability agency proposed or adopted  
40 pursuant to this part.

- 1 (l) “Groundwater sustainability program” means a coordinated  
2 and ongoing activity undertaken to benefit a basin, pursuant to a  
3 groundwater sustainability plan.
- 4 (m) “Local agency” means a local public agency that has water  
5 supply, water management, or land use responsibilities within a  
6 groundwater basin.
- 7 (n) “Operator” means a person operating a groundwater  
8 extraction facility. The owner of a groundwater extraction facility  
9 shall be conclusively presumed to be the operator unless a  
10 satisfactory showing is made to the governing body of the  
11 groundwater sustainability agency that the groundwater extraction  
12 facility actually is operated by some other person.
- 13 (o) “Owner” means a person owning a groundwater extraction  
14 facility or an interest in a groundwater extraction facility other  
15 than a lien to secure the payment of a debt or other obligation.
- 16 (p) “Planning and implementation horizon” means a 50-year  
17 time period over which a groundwater sustainability agency  
18 determines that plans and measures will be implemented in a basin  
19 to ensure that the basin is operated within its sustainable yield.
- 20 (q) “Public water system” has the same meaning as defined in  
21 Section 116275 of the Health and Safety Code.
- 22 (r) “Recharge area” means the area that supplies water to an  
23 aquifer in a groundwater basin.
- 24 (s) “Sustainability goal” means the existence and implementation  
25 of one or more groundwater sustainability plans that achieve  
26 sustainable groundwater management by identifying and causing  
27 the implementation of measures targeted to ensure that the  
28 applicable basin is operated within its sustainable yield.
- 29 (t) “Sustainable groundwater management” means the  
30 management and use of groundwater in a manner that can be  
31 maintained during the planning and implementation horizon  
32 without causing undesirable results.
- 33 (u) “Sustainable yield” means the maximum quantity of water,  
34 calculated over a base period representative of long-term conditions  
35 in the basin and including any temporary surplus, that can be  
36 withdrawn annually from a groundwater supply without causing  
37 an undesirable result.
- 38 (v) “Undesirable result” means one or more of the following  
39 effects ~~occurring after January 1, 2015, and~~ caused by groundwater  
40 conditions occurring throughout the basin:

1 (1) Chronic lowering of groundwater levels indicating a  
2 significant and unreasonable depletion of supply if continued over  
3 the planning and implementation ~~horizon, excluding lowering~~  
4 ~~groundwater levels caused by a drought.~~ *horizon. Overdraft during*  
5 *a period of drought is not sufficient to establish a chronic lowering*  
6 *of groundwater levels if extractions and recharge are managed*  
7 *as necessary to ensure that reductions in groundwater levels or*  
8 *storage during a period of drought are offset by increases in*  
9 *groundwater levels or storage during other periods.*

10 (2) Significant and unreasonable reduction of groundwater  
11 storage.

12 (3) Significant seawater intrusion.

13 (4) Significant and unreasonable degraded water quality,  
14 including the migration of contaminant plumes that impair water  
15 supplies.

16 (5) Significant land subsidence that substantially interferes with  
17 surface land uses.

18 (6) Surface water depletions that have significant adverse  
19 impacts on beneficial uses.

20 (w) “Water budget” means an accounting of the total  
21 groundwater and surface water entering and leaving a basin  
22 including the changes in the amount of water stored.

23 (x) “Watermaster” means a watermaster appointed by a court  
24 or pursuant to other law.

25 (y) “Water year” means the period from October 1 through the  
26 following September 30, inclusive.

27 (z) “Wellhead protection area” means the surface and subsurface  
28 area surrounding a water well or well field that supplies a public  
29 water system through which contaminants are reasonably likely  
30 to migrate toward the water well or well field.

31  
32 CHAPTER 3. BASIN BOUNDARIES

33  
34 10722. Unless other basin boundaries are established pursuant  
35 to this chapter, a basin’s boundaries shall be as identified in  
36 Bulletin 118.

37 10722.2. (a) A local agency may request that the department  
38 revise the boundaries of a basin, including the establishment of  
39 new subbasins. A local agency’s request shall be supported by the  
40 following information:

1 (1) Information demonstrating that the proposed adjusted basin  
2 can be the subject of sustainable groundwater management.

3 (2) Technical information regarding the boundaries of, and  
4 conditions in, the proposed adjusted basin.

5 (3) Information demonstrating that the entity proposing the  
6 basin boundary adjustment consulted with interested local agencies  
7 and public water systems in the affected basins before filing the  
8 proposal with the department.

9 (4) Other information the department deems necessary to justify  
10 revision of the basin's boundary.

11 (b) By January 1, 2016, the department shall develop and publish  
12 guidelines regarding the information required to comply with  
13 subdivision (a). The guidelines required pursuant to this subdivision  
14 are exempt from Chapter 3.5 (commencing with Section 11340)  
15 of Part 1 of Division 3 of Title 2 of the Government Code.

16 (c) The department shall provide a copy of its draft revision of  
17 a basin's boundaries to the California Water Commission. The  
18 California Water Commission shall hear and comment on the draft  
19 revision within 60 days after the department provides the draft  
20 revision to the commission.

21 10722.4. (a) Pursuant to Section 10933, for the purposes of  
22 this part the department shall categorize each basin as one of the  
23 following priorities:

24 (1) High priority.

25 (2) Medium priority.

26 (3) Low priority.

27 (4) Very low priority.

28 (b) The initial priority for each basin shall be established by the  
29 department pursuant to Section 10933 no later than January 1,  
30 2017.

31 (c) *Anytime the department updates Bulletin 118 boundaries*  
32 *pursuant to subdivision (b) of Section 12924, the department shall*  
33 *reassess the prioritization pursuant to Section 10933.*

34 (d) *Anytime the department changes the basin priorities pursuant*  
35 *to Section 10933, if a basin is elevated to a medium or high priority*  
36 *basin after January 1, 2015, a local agency shall have two years*  
37 *from the date of reprioritization to establish a groundwater*  
38 *sustainability agency pursuant to Chapter 4 (commencing with*  
39 *Section 10723) and five years from the date of reprioritization to*

1 *adopt a groundwater sustainability plan pursuant to Chapter 6*  
2 *(commencing with Section 10727).*

3  
4 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY  
5 AGENCIES  
6

7 10723. (a) Any local agency or combination of local agencies  
8 may elect to be a groundwater sustainability agency.

9 (b) Before electing to be a groundwater sustainability agency,  
10 and after publication of notice pursuant to Section 6066 of the  
11 Government Code, the local agency or agencies shall hold a public  
12 hearing in the county or counties overlying the basin.

13 10723.2. The groundwater sustainability agency shall consider  
14 the interests of all beneficial uses and users of groundwater, as  
15 well as those responsible for implementing groundwater  
16 sustainability plans. These interests include, but are not limited to,  
17 all of the following:

18 (a) Holders of overlying groundwater rights, including:

19 (1) Agricultural users.

20 (2) Domestic well owners.

21 (b) Municipal well operators.

22 (c) Public water systems.

23 (d) Local land use planning agencies.

24 (e) Environmental users of groundwater.

25 (f) Surface water users, if there is a hydrologic connection  
26 between surface and groundwater bodies.

27 (g) The federal government, including, but not limited to, the  
28 military and managers of federal lands.

29 (h) ~~Indian~~ *California Native American* tribes.

30 10723.4. The groundwater sustainability agency shall establish  
31 and maintain a list of persons interested in receiving notices  
32 regarding plan preparation, meeting announcements, and  
33 availability of draft plans, maps, and other relevant documents.  
34 Any person may request, in writing, to be placed on the list of  
35 interested persons.

36 10723.6. A combination of local agencies may form a  
37 groundwater sustainability agency by using any of the following  
38 methods:

39 (a) A joint powers agreement.

40 (b) A memorandum of agreement or other legal agreement.

1 10723.8. Within 30 days of electing to be or forming a  
2 groundwater sustainability agency, the groundwater sustainability  
3 agency shall inform the department of its election or formation  
4 and its intent to undertake sustainable groundwater management.  
5 The notification shall include the following information, as  
6 applicable:

7 (a) The service area boundaries, the basin the agency is  
8 managing, and the other groundwater sustainability agencies  
9 operating within the basin.

10 (b) A copy of the resolution forming the new agency.

11 (c) A copy of the bylaws, ordinances, and new authorities.

12 10724. (a) In the event that there is an area within a basin that  
13 is not within the management area of a groundwater sustainability  
14 agency, the county within which that unmanaged area lies will be  
15 presumed to be the groundwater sustainability agency for that area.

16 (b) A county described in subdivision (a) shall provide  
17 notification to the department pursuant to Section 10723.8 unless  
18 the county notifies the department that it will not be the  
19 groundwater sustainability agency for the area. Extractions of  
20 groundwater made ~~after 2016~~ *on or after January 1, 2017*, in that  
21 area shall be subject to reporting in accordance with Part 5.2  
22 (commencing with Section 5200) of Division 2 if the county does  
23 either of the following:

24 (1) Notifies the department that it will not be the groundwater  
25 sustainability agency for an area.

26 (2) Fails to provide notification to the department pursuant to  
27 Section 10723.8 for an area on or before January 1, 2017.

28

29 CHAPTER 5. POWERS AND AUTHORITIES

30

31 10725. (a) A groundwater sustainability agency may exercise  
32 any of the powers described in this chapter in implementing this  
33 part, in addition to, and not as a limitation on, any existing  
34 authority, if the groundwater sustainability agency adopts and  
35 submits to the department a groundwater sustainability plan or  
36 prescribed alternative documentation in accordance with Section  
37 10733.6.

38 (b) A groundwater sustainability agency has and may use the  
39 powers in this chapter to provide the maximum degree of local

1 control and flexibility consistent with the sustainability goals of  
2 this part.

3 10725.2. (a) A groundwater sustainability agency may perform  
4 any act necessary or proper to carry out the purposes of this part.

5 (b) A groundwater sustainability agency may adopt rules,  
6 regulations, ordinances, and resolutions for the purpose of this  
7 part, in compliance with any procedural requirements applicable  
8 to the adoption of a rule, regulation, ordinance, or resolution by  
9 the groundwater sustainability agency.

10 (c) In addition to any other applicable procedural requirements,  
11 the groundwater sustainability agency shall provide notice of the  
12 proposed adoption of the groundwater sustainability plan on its  
13 Internet Web site and provide for electronic notice to any person  
14 who requests electronic notification.

15 10725.4. (a) A groundwater sustainability agency may conduct  
16 an investigation for the purposes of this part, including, but not  
17 limited to, investigations for the following:

18 (1) To determine the need for groundwater management.

19 (2) To prepare and adopt a groundwater sustainability plan and  
20 implementing rules and regulations.

21 (3) To propose and update fees.

22 (4) To monitor compliance and enforcement.

23 (b) An investigation may include surface waters and surface  
24 water rights as well as groundwater and groundwater rights.

25 (c) In connection with an investigation, a groundwater  
26 sustainability agency may inspect the property or facilities of a  
27 person or entity to ascertain whether the purposes of this part are  
28 being met and compliance with this part. The local agency may  
29 conduct an inspection pursuant to this section upon obtaining any  
30 necessary consent or obtaining an inspection warrant pursuant to  
31 the procedure set forth in Title 13 (commencing with Section  
32 1822.50) of Part 3 of the Code of Civil Procedure.

33 10725.6. A groundwater sustainability agency may require  
34 registration of a groundwater extraction facility within the  
35 management area of the groundwater sustainability agency.

36 10725.8. (a) A groundwater sustainability agency may require  
37 through its groundwater sustainability plan that the use of every  
38 groundwater extraction facility within the management area of the  
39 groundwater sustainability agency be measured by a



1 water-measuring device satisfactory to the groundwater  
2 sustainability agency.

3 (b) All costs associated with the purchase and installation of  
4 the water-measuring device shall be borne by the owner or operator  
5 of each groundwater extraction facility. The water measuring  
6 devices shall be installed by the groundwater sustainability agency  
7 or, at the groundwater sustainability agency's option, by the owner  
8 or operator of the groundwater extraction facility. Water-measuring  
9 devices shall be calibrated on a reasonable schedule as may be  
10 determined by the groundwater sustainability agency.

11 (c) A groundwater sustainability agency may require, through  
12 its groundwater sustainability plan, that the owner or operator of  
13 a groundwater extraction facility within the groundwater  
14 sustainability agency file an annual statement with the groundwater  
15 sustainability agency setting forth the total extraction in acre-feet  
16 of groundwater from the facility during the previous water year.

17 (d) In addition to the measurement of groundwater extractions  
18 pursuant to subdivision (a), a groundwater sustainability agency  
19 may use any other reasonable method to determine groundwater  
20 extraction.

21 (e) This section does not apply to ~~de-minimus~~ *de-minimus* extractors.  
22 10726. An entity within the area of a groundwater sustainability  
23 plan shall only divert surface water to underground storage  
24 consistent with the plan and shall report the diversion to  
25 underground storage to the groundwater sustainability agency for  
26 the relevant portion of the basin.

27 10726.2. A groundwater sustainability agency may do the  
28 following:

29 (a) Acquire by grant, purchase, lease, gift, devise, contract,  
30 construction, or otherwise, and hold, use, enjoy, sell, let, and  
31 dispose of, real and personal property of every kind, including  
32 lands, water rights, structures, buildings, rights-of-way, easements,  
33 and privileges, and construct, maintain, alter, and operate any and  
34 all works or improvements, within or outside the agency, necessary  
35 or proper to carry out any of the purposes of this part.

36 (b) Appropriate and acquire surface water or groundwater and  
37 surface water or groundwater rights, import surface water or  
38 groundwater into the agency, and conserve and store within or  
39 outside the agency that water for any purpose necessary or proper  
40 to carry out the provisions of this part, including, but not limited

1 to, the spreading, storing, retaining, or percolating into the soil of  
2 the waters for subsequent use or in a manner consistent with the  
3 provisions of Section 10727.2. As part of this authority, the agency  
4 may validate an existing groundwater conjunctive use or storage  
5 program upon a finding that the program would aid or assist the  
6 agency in developing or implementing a groundwater sustainability  
7 plan.

8 (c) Provide for a program of voluntary fallowing of agricultural  
9 lands or validate an existing program.

10 (d) Perform any acts necessary or proper to enable the agency  
11 to purchase, transfer, deliver, or exchange water or water rights of  
12 any type with any person that may be necessary or proper to carry  
13 out any of the purposes of this part, including, but not limited to,  
14 providing surface water in exchange for a groundwater extractor's  
15 agreement to reduce or cease groundwater extractions. The agency  
16 shall not deliver retail water supplies within the service area of a  
17 public water system without either the consent of that system or  
18 authority under the agency's existing authorities.

19 (e) Transport, reclaim, purify, desalinate, treat, or otherwise  
20 manage and control polluted water, wastewater, or other waters  
21 for subsequent use in a manner that is necessary or proper to carry  
22 out the purposes of this part.

23 (f) Commence, maintain, intervene in, defend, compromise,  
24 and assume the cost and expenses of any and all actions and  
25 proceedings.

26 10726.4. (a) A groundwater sustainability agency shall have  
27 the following additional authority and may regulate groundwater  
28 ~~pumping~~ *extraction* using that authority:

29 (1) To impose spacing requirements on new groundwater well  
30 construction to minimize well interference and impose reasonable  
31 operating regulations on existing groundwater wells to minimize  
32 well interference, including requiring ~~pumpers~~ *extractors* to operate  
33 on a rotation basis.

34 (2) To control groundwater extractions by regulating, limiting,  
35 or suspending extractions from individual groundwater wells or  
36 extractions from groundwater wells in the aggregate, ~~the~~  
37 construction of new groundwater wells, ~~the enlarging~~ *enlargement*  
38 of existing groundwater wells, ~~the~~ *or* reactivation of abandoned  
39 groundwater wells, or otherwise establishing groundwater  
40 extraction allocations. A limitation on extractions by a groundwater

1 sustainability agency shall not be construed to be a final  
2 determination of rights to extract groundwater from the basin or  
3 any portion of the basin.

4 (3) To authorize temporary and permanent transfers of  
5 groundwater extraction allocations within the agency's boundaries,  
6 if the total quantity of groundwater extracted in any water year is  
7 consistent with the provisions of the groundwater sustainability  
8 plan.

9 (4) To establish accounting rules to allow unused groundwater  
10 extraction allocations issued by the agency to be carried over from  
11 one year to another and voluntarily transferred, if the total quantity  
12 of groundwater extracted in any five-year period is consistent with  
13 the provisions of the groundwater sustainability plan.

14 ~~(b) Nothing in this section shall be construed to grant a~~  
15 ~~groundwater sustainability agency the authority to issue permits~~  
16 ~~for the construction, modification, or abandonment of groundwater~~  
17 ~~wells. A county may authorize a groundwater sustainability agency~~  
18 ~~to issue permits for the construction, modification, or abandonment~~  
19 ~~of groundwater wells.~~

20 *(b) This section does not authorize a groundwater sustainability*  
21 *agency to issue permits for the construction, modification, or*  
22 *abandonment of groundwater wells, except as authorized by a*  
23 *county with authority to issue those permits.*

24 10726.6. (a) A groundwater sustainability agency that adopts  
25 a groundwater sustainability plan may file an action to determine  
26 the validity of the plan pursuant to Chapter 9 (commencing with  
27 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

28 (b) Subject to Sections 394 and 397 of the Code of Civil  
29 Procedure, the venue for an action pursuant to this section shall  
30 be the county in which the principal office of the groundwater  
31 management agency is located.

32 (c) Any judicial action or proceeding to attack, review, set aside,  
33 void, or annul the ordinance or resolution imposing a new, or  
34 increasing an existing, fee imposed pursuant to Section 10730,  
35 10730.2, or 10730.4 shall be brought pursuant to Section 66022  
36 of the Government Code.

37 (d) Any person may pay a fee imposed pursuant to Section  
38 10730, 10730.2, or 10730.4 under protest and bring an action  
39 against the governing body in the superior court to recover any  
40 money that the governing body refuses to refund. Payments made

1 and actions brought under this section shall be made and brought  
2 in the manner provided for the payment of taxes under protest and  
3 actions for refund of that payment in Article 2 (commencing with  
4 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue  
5 and Taxation Code, as applicable.

6 (e) Except as otherwise provided in this section, actions by a  
7 groundwater sustainability agency are subject to judicial review  
8 pursuant to Section 1085 of the Code of Civil Procedure.

9 10726.8. (a) This part is in addition to, and not a limitation  
10 on, the authority granted to a local agency under any other law.  
11 The local agency may use the local agency's authority under any  
12 other law to apply and enforce any requirements of this part,  
13 including, but not limited to, the collection of fees.

14 (b) Nothing in this part is a limitation on the authority of the  
15 board, the department, or the State Department of Public Health.

16 (c) This part does not authorize a local agency to impose any  
17 requirement or impose any penalty or fee on the state or any  
18 agency, department, or officer of the state. State agencies and  
19 departments shall work cooperatively with a local agency on a  
20 voluntary basis.

21  
22 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS  
23

24 10727. (a) A groundwater sustainability plan shall be  
25 developed and implemented for each medium- or high-priority  
26 basin by a groundwater sustainability agency to meet the  
27 sustainability goal established pursuant to this part. The  
28 groundwater sustainability plan may incorporate, extend, or be  
29 based on a plan adopted pursuant to Part 2.75 (commencing with  
30 Section 10750).

31 (b) A groundwater sustainability plan may be any of the  
32 following:

33 (1) A single plan covering the entire basin developed and  
34 implemented by one groundwater sustainability agency.

35 (2) A single plan covering the entire basin developed and  
36 implemented by multiple groundwater sustainability agencies.

37 (3) Subject to Section 10727.6, multiple plans implemented by  
38 multiple groundwater sustainability agencies and coordinated  
39 pursuant to a single coordination agreement that covers the entire  
40 basin.

1 10727.2. A groundwater sustainability plan shall include all  
2 of the following:

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

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

6 (2) Groundwater levels, groundwater quality, subsidence, and  
7 groundwater-surface water interaction.

8 (3) A general discussion of historical and projected water  
9 demands and supplies.

10 (4) A map that details the area of the basin and the boundaries  
11 of the groundwater sustainability agencies that overlie the basin  
12 that have or are developing groundwater sustainability plans.

13 (5) A map identifying existing and potential recharge areas for  
14 the basin. The map or maps shall identify the existing recharge  
15 areas that substantially contribute to the replenishment of the  
16 groundwater basin. The map or maps shall be provided to the  
17 appropriate local planning agencies after adoption of the  
18 groundwater sustainability plan.

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

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

25 (3) (A) Notwithstanding paragraph (1), at the request of the  
26 groundwater sustainability agency, the department may grant an  
27 extension of up to ~~10~~ 5 years beyond the 20-year sustainability  
28 timeframe upon a showing of good cause. *The department may*  
29 *grant a second extension of up to five years upon a showing of*  
30 *good cause if the groundwater sustainability agency has begun*  
31 *implementation of the work plan described in clause (iii) of*  
32 *subparagraph (B).*

33 (B) *The department may grant an extension pursuant to this*  
34 *paragraph if the groundwater sustainability agency does all of the*  
35 *following:*

36 (i) *Demonstrates a need for an extension.*

37 (ii) *Has made progress toward meeting the sustainability goal*  
38 *as demonstrated by its progress at achieving the milestones*  
39 *identified in its groundwater sustainability plan.*

1     (iii) *Adopts a feasible work plan for meeting the sustainability*  
2 *goal during the extension period.*

3     (4) *The plan may, but is not required to, address undesirable*  
4 *results that occurred before, and have not been corrected by,*  
5 *January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,*  
6 *a groundwater sustainability agency has discretion as to whether*  
7 *to set measurable objectives and the timeframes for achieving any*  
8 *objectives for undesirable results that occurred before, and have*  
9 *not been corrected by, January 1, 2015.*

10     (c) A planning and implementation ~~horizon of 50 years.~~ *horizon.*

11     (d) Components relating to the following, as applicable to the  
12 basin:

13         (1) The monitoring and management of groundwater levels  
14 within the basin.

15         (2) The monitoring and management of groundwater quality,  
16 groundwater quality degradation, inelastic land surface subsidence,  
17 and changes in surface flow and surface water quality that directly  
18 affect groundwater levels or quality or are caused by groundwater  
19 ~~pumping~~ *extraction* in the basin.

20         (3) Mitigation of overdraft.

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

23     (e) A summary of the type of monitoring sites, type of  
24 measurements, and the frequency of monitoring for each location  
25 monitoring groundwater levels, groundwater quality, subsidence,  
26 streamflow, precipitation, evaporation, and tidal influence. The  
27 plan shall include a summary of monitoring information such as  
28 well depth, screened intervals, and aquifer zones monitored, and  
29 a summary of the type of well relied on for the information,  
30 including public, irrigation, domestic, industrial, and monitoring  
31 wells.

32     (f) Monitoring protocols that are designed to detect changes in  
33 groundwater levels, groundwater quality, inelastic surface  
34 subsidence for basins for which subsidence has been identified as  
35 a potential problem, and flow and quality of surface water that  
36 directly affect groundwater levels or quality or are caused by  
37 groundwater ~~pumping~~ *extraction* in the basin. The monitoring  
38 protocols shall be designed to generate information that promotes  
39 efficient and effective groundwater management.

1 (g) *A description of the various adopted water resources-related*  
2 *plans and programs within the basin and an assessment of how*  
3 *the groundwater sustainability plan may affect those plans.*

4 10727.4. In addition to the requirements of Section 10727.2,  
5 a groundwater sustainability plan shall include, where appropriate  
6 and in collaboration with the appropriate local agencies, all of the  
7 following:

8 (a) Control of saline water intrusion.

9 (b) Wellhead protection areas and recharge areas.

10 (c) Migration of contaminated groundwater.

11 (d) A well abandonment and well destruction program.

12 (e) Replenishment of groundwater extractions.

13 (f) Activities implementing, opportunities for, and impediments  
14 to, conjunctive use.

15 (g) Well construction policies.

16 (h) Measures addressing groundwater contamination cleanup,  
17 recharge, diversions to storage, conservation, water recycling,  
18 conveyance, and extraction projects.

19 (i) Efficient water management practices, as defined in Section  
20 10902, for the delivery of water and water conservation methods  
21 to improve the efficiency of water use.

22 (j) Efforts to develop relationships with state and federal  
23 regulatory agencies.

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

27 (l) *Impacts on groundwater dependent ecosystems.*

28 10727.6. Groundwater sustainability agencies intending to  
29 develop and implement multiple groundwater sustainability plans  
30 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall  
31 coordinate with other agencies preparing a groundwater  
32 sustainability plan within the basin to ensure that the plans utilize  
33 the same data *and methodologies* for the following assumptions  
34 in developing the plan:

35 (a) Groundwater elevation data.

36 (b) Groundwater extraction data.

37 (c) Surface water supply.

38 (d) Total water use.

39 (e) Change in groundwater storage.

40 (f) Water budget.

1 (g) Sustainable yield.

2 10727.8. Prior to initiating the development of a groundwater  
3 sustainability plan, the groundwater sustainability agency shall  
4 make available to the public and the department a written statement  
5 describing the manner in which interested parties may participate  
6 in the development and implementation of the groundwater  
7 sustainability plan. *The groundwater sustainability agency shall*  
8 *provide the written statement to the legislative body of any city,*  
9 *county, or city and county located within the geographic area to*  
10 *be covered by the plan.* The groundwater sustainability agency  
11 may appoint and consult with an advisory committee consisting  
12 of interested parties for the purposes of developing and  
13 implementing a groundwater sustainability plan. The groundwater  
14 sustainability agency shall encourage the active involvement of  
15 diverse social, cultural, and economic elements of the population  
16 within the groundwater basin prior to and during the development  
17 and implementation of the groundwater sustainability plan.

18 ~~10728. (a) Except as provided in subdivision (b), a~~  
19 ~~groundwater sustainability agency shall certify that its plan~~  
20 ~~complies with this part no later than January 31, 2020, and every~~  
21 ~~five years thereafter. A groundwater sustainability agency shall~~  
22 ~~submit this certification to the department within 30 days of the~~  
23 ~~certification.~~

24 ~~(b) (1) The department may review the submissions made~~  
25 ~~pursuant to this section and Section 10733.6 and may request the~~  
26 ~~supporting information on which the certification pursuant to~~  
27 ~~subdivision (a) relied upon or the other documentation relied upon~~  
28 ~~pursuant to subdivision (b) of Section 10733.6. The department~~  
29 ~~may issue findings concerning the validity of the certification or~~  
30 ~~other submission.~~

31 ~~(2) Before issuing findings pursuant to paragraph (1), the~~  
32 ~~department shall transmit a draft of its findings to the submitting~~  
33 ~~agency and shall consult with that agency. The submitting agency~~  
34 ~~may submit a response to the department within 60 days of~~  
35 ~~receiving the department's draft findings.~~

36 ~~(3) If the department's findings issued pursuant to paragraph~~  
37 ~~(1) concern the compliance of a plan with requirements for~~  
38 ~~sustainable groundwater management or the operation of a basin~~  
39 ~~consistent with the basin's sustainable yield, the submitting agency,~~



1 ~~within 90 days of receipt, shall consider amendments to its plan~~  
2 ~~or technical analysis to address the department's findings.~~

3 *10728. On the January 1 following the adoption of a*  
4 *groundwater sustainability plan and annually on each January 1*  
5 *thereafter, a groundwater sustainability agency shall submit a*  
6 *report to the department containing the following information*  
7 *about the basin managed in the groundwater sustainability plan:*

8 *(a) Groundwater elevation data.*

9 *(b) Annual aggregated data identifying groundwater extraction*  
10 *for the preceding water year.*

11 *(c) Surface water supply used for or available for use for*  
12 *groundwater recharge or in-lieu use.*

13 *(d) Total water use.*

14 *(e) Change in groundwater storage.*

15 *10728.2. A groundwater sustainability agency shall periodically*  
16 *evaluate its groundwater sustainability plan, assess changing*  
17 *conditions in the basin that may warrant modification of the plan*  
18 *or management objectives, and may adjust components in the plan.*  
19 *An evaluation of the plan shall focus on determining whether the*  
20 *actions under the plan are meeting the plan's management*  
21 *objectives and whether those objectives are meeting the*  
22 *sustainability goal in the basin.*

23 *10728.4. A groundwater sustainability agency may adopt or*  
24 *amend a groundwater sustainability plan if the groundwater*  
25 *sustainability agency holds a public hearing and more than 90 days*  
26 *have passed since the groundwater sustainability agency provided*  
27 *after a public hearing, held at least 90 days after providing notice*  
28 *to a city or county within the area of the proposed plan or*  
29 *amendment. The groundwater sustainability agency shall obtain*  
30 *comments from any city or county that receives notice pursuant*  
31 *to this section and shall consult with a city or county that requests*  
32 *consultation within 30 days of receipt of the notice. Nothing in*  
33 *this section is intended to preclude an agency and a city or county*  
34 *from otherwise consulting or commenting regarding the adoption*  
35 *or amendment of a plan.*

36 *10728.6. Division 13 (commencing with Section 21000) of the*  
37 *Public Resources Code does not apply to the preparation and*  
38 *adoption of plans pursuant to this chapter. Nothing in this part*  
39 *shall be interpreted as exempting from Division 13 (commencing*  
40 *with Section 21000) of the Public Resources Code a project that*

1 *would implement actions taken pursuant to a plan adopted*  
2 *pursuant to this chapter or a project that would significantly affect*  
3 *water supplies for fish and wildlife.*

4  
5 CHAPTER 7. TECHNICAL ASSISTANCE

6  
7 10729. (a) The department or a groundwater sustainability  
8 agency may provide technical assistance to entities that extract or  
9 use groundwater to promote water conservation and protect  
10 groundwater resources.

11 (b) The department may provide technical assistance to any  
12 groundwater sustainability agency in response to that agency's  
13 request for assistance in the development and implementation of  
14 a groundwater sustainability plan. The department shall use its  
15 best efforts to provide the requested assistance.

16 (c) (1) By January 1, 2017, the department shall publish on its  
17 Internet Web site best management practices for the sustainable  
18 management of groundwater.

19 (2) The department shall develop the best management practices  
20 through a public process involving one public meeting conducted  
21 at a location in northern California, one public meeting conducted  
22 at a location in the San Joaquin Valley, one public meeting  
23 conducted at a location in southern California, and one public  
24 meeting of the California Water Commission.

25  
26 CHAPTER 8. FINANCIAL AUTHORITY

27  
28 10730. (a) A groundwater sustainability agency may impose  
29 fees, including, but not limited to, permit fees and fees on  
30 groundwater extraction or other regulated activity, to fund the costs  
31 of a groundwater sustainability program, including, but not limited  
32 to, preparation, adoption, and amendment of a groundwater  
33 sustainability plan, and ~~program administration~~, investigations,  
34 inspections, compliance assistance, and ~~enforcement~~. *enforcement,*  
35 *and program administration, including a prudent reserve.* A  
36 groundwater sustainability agency shall not impose a fee pursuant  
37 to this subdivision on a ~~de minimus~~ *minimis* extractor unless the  
38 agency has regulated the users pursuant to this part.

39 (b) (1) Prior to imposing or increasing a fee, a groundwater  
40 sustainability agency shall hold at least one ~~open~~ and public

1 meeting, at which oral or written presentations may be made as  
2 part of the meeting.

3 (2) Notice of the time and place of the meeting shall include a  
4 general explanation of the matter to be considered and a statement  
5 that the data required by this section is available. The notice shall  
6 ~~be mailed at least 14 days prior to the meeting to each record owner~~  
7 ~~of property within the basin~~ *provided by publication pursuant to*  
8 *Section 6066 of the Government Code, by posting notice on the*  
9 *Internet Web site of the groundwater sustainability agency, and*  
10 *by mail to any interested party who files a written request with the*  
11 *agency for mailed notice of the meeting on new or increased fees.*  
12 A written request for mailed notices shall be valid for one year  
13 from the date that the request is made and may be renewed by  
14 making a written request on or before April 1 of each year.

15 (3) At least 10 days prior to the meeting, the groundwater  
16 sustainability agency shall make available to the public data upon  
17 which the proposed fee is based.

18 (c) Any action by a groundwater sustainability agency to impose  
19 or increase a fee shall be taken only by ordinance or resolution.

20 (d) (1) As an alternative method for the collection of fees  
21 imposed pursuant to this section, a groundwater ~~management~~  
22 *sustainability* agency may adopt a resolution requesting collection  
23 of the fees in the same manner as ordinary municipal ad valorem  
24 taxes.

25 (2) A resolution described in paragraph (1) shall be adopted and  
26 furnished to the county auditor-controller and board of supervisors  
27 on or before August 1 of each year that the alternative collection  
28 of the fees is being requested. The resolution shall include a list  
29 of parcels and the amount to be collect for each parcel.

30 (e) The power granted by this section is in addition to any  
31 powers a groundwater sustainability agency has under any other  
32 law.

33 10730.2. (a) A groundwater sustainability agency that adopts  
34 a groundwater sustainability plan pursuant to this part may impose  
35 fees on the extraction of groundwater from the basin to fund costs  
36 of groundwater management, including, but not limited to, the  
37 costs of the following:

38 (1) Administration, operation, ~~maintenance, and acquisition of~~  
39 ~~lands or other property, facilities, and services.~~ *and maintenance,*  
40 *including a prudent reserve.*

1 (2) Acquisition of lands or other property, facilities, and  
2 services.

3 ~~(2)~~

4 (3) Supply, production, treatment, or distribution of water.

5 ~~(3)~~

6 (4) Other activities necessary or convenient to implement the  
7 plan.

8 (b) Fees may be implemented pursuant to Part 2.75  
9 ~~(commencing with Section 10750)~~ *Until a groundwater*  
10 *sustainability plan is adopted pursuant to this part, a local agency*  
11 *may impose fees* in accordance with the procedures provided in  
12 this section *for the purposes of Part 2.75 (commencing with Section*  
13 *10750) as long as a groundwater management plan adopted before*  
14 *January 1, 2015, is in effect for the basin.*

15 (c) Fees imposed pursuant to this section shall be adopted in  
16 accordance with subdivisions (a) and (b) of Section 6 of Article  
17 XIII D of the California Constitution.

18 (d) Fees imposed pursuant to this section may include fixed fees  
19 and fees charged on a volumetric basis, including, but not limited  
20 to, fees that increase based on the quantity of groundwater produced  
21 annually, the year in which the production of groundwater  
22 commenced from a groundwater extraction facility, and impacts  
23 to the basin.

24 (e) The power granted by this section is in addition to any  
25 powers a groundwater sustainability agency has under any other  
26 law.

27 10730.4. A groundwater sustainability agency may fund  
28 activities pursuant to Part 2.75 (commencing with Section 10750)  
29 and may impose fees pursuant to Section ~~10732.5~~ 10730.2 to fund  
30 activities undertaken by the agency pursuant to Part 2.75  
31 (commencing with Section 10750).

32 10730.6. (a) A groundwater fee levied pursuant to this chapter  
33 shall be due and payable to the groundwater sustainability agency  
34 by each owner or operator on a day established by the groundwater  
35 sustainability agency.

36 (b) If an owner or operator knowingly fails to pay a groundwater  
37 fee within 30 days of it becoming due, the owner or operator shall  
38 be liable to the groundwater sustainability agency for interest at  
39 the rate of 1 percent per month on the delinquent amount of the  
40 groundwater fee and a 10 percent penalty.

1 (c) The groundwater sustainability agency may bring a suit in  
2 the court having jurisdiction against any owner or operator of a  
3 groundwater extraction facility within the area covered by the plan  
4 for the collection of any delinquent groundwater fees, interest, or  
5 penalties imposed under this chapter. If the groundwater  
6 sustainability agency seeks an attachment against the property of  
7 any named defendant in the suit, the groundwater sustainability  
8 agency shall not be required to furnish a bond or other undertaking  
9 as provided in Title 6.5 (commencing with Section 481.010) of  
10 Part 2 of the Code of Civil Procedure.

11 (d) In the alternative to bringing a suit pursuant to subdivision  
12 (c), a groundwater sustainability agency may collect any delinquent  
13 groundwater charge and any civil penalties and interest on the  
14 delinquent groundwater charge pursuant to the laws applicable to  
15 the local agency or, if a joint powers authority, to the entity  
16 designated pursuant to Section 6509 of the Government Code. The  
17 collection shall be in the same manner as it would be applicable  
18 to the collection of delinquent assessments, water charges, or tolls.

19 (e) As an additional remedy, a groundwater sustainability  
20 agency, after a public hearing, may order an owner or operator to  
21 cease extraction of groundwater until all delinquent fees are paid.  
22 The groundwater sustainability agency shall give notice to the  
23 owner or operator by certified mail not less than 15 days in advance  
24 of the public hearing.

25 (f) The remedies specified in this section for collecting and  
26 enforcing fees are cumulative and may be pursued alternatively  
27 or may be used consecutively as determined by the governing  
28 body.

29 10730.8. (a) Nothing in this chapter shall affect or interfere  
30 with the authority of a groundwater sustainability agency to levy  
31 and collect taxes, assessments, charges, and tolls as otherwise  
32 provided by law.

33 (b) For the purposes of Section 6254.16 of the Government  
34 Code, persons subject to payment of fees pursuant to this chapter  
35 are utility customers of a groundwater sustainability agency.

36 ~~10731. (a) If there is reasonable cause to believe that the~~  
37 ~~production of groundwater from any groundwater extraction facility~~  
38 ~~is in excess of that disclosed by the statements covering the facility~~  
39 ~~or if no statement is filed covering the facility, the governing body~~  
40 ~~may cause an investigation and report to be made concerning the~~

1 ~~production of groundwater from that groundwater extraction~~  
2 ~~facility that includes, but is not limited to, the accuracy of the~~  
3 ~~water-measuring device. The~~ *Following an investigation pursuant*  
4 *to Section 10725.4, the governing body may make a determination*  
5 *fixing the amount of groundwater production from the groundwater*  
6 *extraction facility at an amount not to exceed the maximum*  
7 *production capacity of the facility for purposes of levying a*  
8 *groundwater charge. If a water-measuring device is permanently*  
9 *attached to the groundwater extraction facility, the record of*  
10 *production as disclosed by the water-measuring device shall be*  
11 *presumed to be accurate unless the contrary is established by the*  
12 *groundwater management sustainability agency after investigation.*

13 (b) After the governing body makes a determination fixing the  
14 amount of groundwater production pursuant to subdivision (a), a  
15 written notice of the determination shall be mailed to the owner  
16 or operator of the groundwater extraction facility at the address as  
17 shown by the groundwater management sustainability agency's  
18 records. A determination made by the governing body shall be  
19 conclusive on the owner or operator and the groundwater charges,  
20 based on the determination together with any interest and penalties,  
21 shall be payable immediately unless within ~~10~~ 20 days after the  
22 mailing of the notice the owner or operator files with the governing  
23 body a written protest setting forth the ground for protesting the  
24 amount of production or the groundwater charges, interest, and  
25 penalties. If a protest is filed pursuant to this subdivision, the  
26 governing body shall hold a hearing to determine the total amount  
27 of the groundwater production and the groundwater charges,  
28 interest, and penalties. ~~The determination by the governing body~~  
29 ~~at the hearing shall be conclusive if based upon substantial~~  
30 ~~evidence.~~ Notice of the hearing shall be mailed to each protestant  
31 at least ~~10~~ 20 days before the date fixed for the hearing. Notice of  
32 the determination of the governing body hearing shall be mailed  
33 to each protestant. The owner or operator shall have 20 days from  
34 the date of mailing of the determination to pay the groundwater  
35 charges, interest, and penalties determined by the governing body.

1           CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY  
2                           ENFORCEMENT POWERS  
3

4       10732. (a) (1) A person who extracts groundwater in excess  
5 of the amount that person is authorized to extract under a rule,  
6 regulation, ordinance, or resolution adopted pursuant to Section  
7 10725.2, shall be subject to a civil penalty not to exceed five  
8 hundred dollars (\$500) per acre-foot extracted in excess of the  
9 amount that person is authorized to extract. Liability under this  
10 subdivision is in addition to any liability imposed under paragraph  
11 (2) and any fee imposed for the extraction.

12       (2) A person who violates any rule, regulation, ordinance, or  
13 resolution adopted pursuant to Section ~~10724.2~~ 10725.2 shall be  
14 liable for a civil penalty not to exceed one thousand dollars  
15 (\$1,000) plus one hundred dollars (\$100) for each additional day  
16 on which the violation continues if the person fails to comply  
17 within 30 days after the local agency has notified the person of the  
18 violation.

19       (b) (1) A groundwater sustainability agency may bring an action  
20 in the superior court to determine whether a violation occurred  
21 and to impose a civil penalty described in subdivision (a).

22       (2) A groundwater sustainability agency may administratively  
23 impose a civil penalty described in subdivision (a) after providing  
24 notice and an opportunity for a hearing.

25       (3) In determining the amount of the penalty, the superior court  
26 or the groundwater sustainability agency shall take into  
27 consideration all relevant circumstances, including, but not limited  
28 to, the nature and persistence of the violation, the extent of the  
29 harm caused by the violation, the length of time over which the  
30 violation occurs, and any corrective action taken by the violator.

31       (c) A penalty imposed pursuant to this section shall be paid to  
32 the groundwater sustainability agency and shall be expended solely  
33 for purposes of this part.

34       (d) Penalties imposed pursuant to this section are in addition to  
35 any civil penalty or criminal fine under any other law.  
36

37           CHAPTER 10. STATE EVALUATION AND ASSESSMENT  
38

39       10733. (a) The department shall periodically review the  
40 groundwater sustainability plans developed by groundwater

1 sustainability agencies pursuant to this part to evaluate whether a  
2 plan conforms with Sections 10727.2 and 10727.4 and is likely to  
3 achieve the sustainability goal for the basin covered by the  
4 groundwater sustainability plan.

5 (b) If a groundwater sustainability agency develops multiple  
6 groundwater sustainability plans for a basin, the department shall  
7 evaluate whether the plans conform with Sections 10727.2,  
8 10727.4, and 10727.6 and are together likely to achieve the  
9 sustainability goal for the basin covered by the groundwater  
10 sustainability plans.

11 10733.2. (a) (1) By June 1, 2016, the department, in  
12 consultation with the board, shall develop guidelines for evaluating  
13 groundwater sustainability ~~plans and groundwater sustainability~~  
14 ~~programs plans, the implementation of groundwater sustainability~~  
15 ~~plans, and coordination agreements~~ pursuant to this chapter.

16 (b)

17 (2) The guidelines shall identify the necessary plan components  
18 specified in Sections ~~10727.2 and 10727.4~~ 10727.2, 10727.4, and  
19 10727.6 and other information that will assist local agencies in  
20 developing and implementing groundwater sustainability ~~plans~~  
21 ~~and groundwater sustainability programs. plans and coordination~~  
22 ~~agreements.~~

23 (c)

24 (b) The department may update the guidelines, including to  
25 incorporate the best management practices identified pursuant to  
26 Section 10729.

27 (c) By June 1, 2016, the department, in consultation with the  
28 board, shall develop guidelines for evaluating alternatives  
29 submitted pursuant to Section 10733.6.

30 (d) The guidelines required pursuant to this section are exempt  
31 from Chapter 3.5 (commencing with Section 11340) of Part 1 of  
32 Division 3 of Title 2 of the Government Code. The establishment  
33 of guidelines pursuant to this section shall instead be accomplished  
34 by means of a public process ~~reasonably calculated to give that~~  
35 ~~gives~~ interested persons an opportunity to be heard.

36 10733.4. (a) Upon ~~completion~~ adoption of a groundwater  
37 sustainability plan, a groundwater sustainability agency shall  
38 submit the groundwater sustainability plan to the department for  
39 review pursuant to this chapter.



1 (b) If groundwater sustainability agencies develop multiple  
2 groundwater sustainability plans for a basin, the submission  
3 required by subdivision (a) shall not occur until the entire basin is  
4 covered by groundwater sustainability plans. When the entire basin  
5 is covered by groundwater sustainability plans, the groundwater  
6 sustainability agencies shall jointly submit to the department all  
7 of the following:

8 (1) The groundwater sustainability plans.

9 (2) An explanation of how the groundwater sustainability plans  
10 implemented together satisfy ~~Section 10729~~ Sections 10727.2,  
11 10727.4, and 10727.6 for the entire basin.

12 (3) A copy of the coordination agreement between the  
13 groundwater sustainability agencies to ensure the coordinated  
14 implementation of the groundwater sustainability plans for the  
15 entire basin.

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

20 (d) The department shall evaluate the groundwater sustainability  
21 plan within two years of its submission by a groundwater  
22 sustainability agency and issue an assessment of the plan. The  
23 assessment may include recommended corrective actions to address  
24 any deficiencies identified by the department.

25 ~~10733.6. (a) If there is not a groundwater sustainability plan~~  
26 ~~for a basin, but a local agency believes that an alternative plan,~~  
27 ~~such as a plan developed pursuant to Part 2.75 (commencing with~~  
28 ~~Section 10750), satisfies the objectives of this part, the local agency~~  
29 ~~may submit the alternative plan to the department for evaluation~~  
30 ~~and assessment of whether the plan is the functional equivalent of~~  
31 ~~a groundwater sustainability plan pursuant to this part. In evaluating~~  
32 ~~an alternative plan, the department shall, to the extent feasible, use~~  
33 ~~the guidelines developed pursuant to Section 10733.2.~~

34 ~~(b) A basin shall be in compliance with this part if a groundwater~~  
35 ~~agency for a basin or other local agency submits to the department,~~  
36 ~~no later than January 31, 2020, and every five years thereafter, any~~  
37 ~~of the following documents:~~

38 ~~(1) A copy of a governing final judgment or other judicial order~~  
39 ~~or decree establishing a groundwater sustainability program for~~  
40 ~~the basin.~~

1 ~~(2) A report approved by a groundwater agency that shows that~~  
2 ~~current management or operations activities have been consistent~~  
3 ~~with the sustainable yield of the basin over a period of at least 10~~  
4 ~~years. The report shall be prepared by a registered professional~~  
5 ~~engineer or geologist who is licensed by the state and submitted~~  
6 ~~under that engineer's or geologist's seal. The report may~~  
7 ~~demonstrate compliance with the sustainability goal in the basin~~  
8 ~~by presenting a balanced water budget for the basin, a technical~~  
9 ~~analysis demonstrating stable groundwater levels over the relevant~~  
10 ~~period, or other sufficient technical analyses.~~

11 *10733.6. (a) If there is no groundwater sustainability plan for*  
12 *a basin, but a local agency believes that an alternative described*  
13 *in subdivision (b) satisfies the objectives of this part, the local*  
14 *agency may submit the alternative to the department for evaluation*  
15 *and assessment of whether the alternative satisfies the objectives*  
16 *of this part.*

17 *(b) An alternative is any of the following:*

18 *(1) A plan developed pursuant to Part 2.75 (commencing with*  
19 *Section 10750) or other law authorizing groundwater management.*

20 *(2) Management pursuant to an adjudication action.*

21 *(3) An analysis of basin conditions that demonstrates that the*  
22 *basin has operated within its sustainable yield over a period of at*  
23 *least 10 years. The submission of an alternative described by this*  
24 *paragraph shall include a report prepared by a registered*  
25 *professional engineer or geologist who is licensed by the state and*  
26 *submitted under that engineer's or geologist's seal.*

27 *(c) A local agency shall submit an alternative pursuant to this*  
28 *section no later than January 1, 2017, and every five years*  
29 *thereafter.*

30 *(d) The assessment required by subdivision (a) shall include an*  
31 *assessment of whether the alternative is within a basin that is in*  
32 *compliance with Part 2.11 (commencing with Section 10920). If*  
33 *the alternative is within a basin that is not in compliance with Part*  
34 *2.11 (commencing with Section 10920), the department shall find*  
35 *the alternative does not satisfy the objectives of this part.*

36 *10733.8. At least every five years after initial submission of a*  
37 *plan pursuant to Section 10733.4, the department, in consultation*  
38 *with the board, shall review any available groundwater*  
39 *sustainability plan, alternative plan submitted in accordance with*  
40 *Section ~~10729.6~~, 10733.6, and the implementation of the*

1 corresponding groundwater sustainability program for consistency  
 2 with this part, including achieving the sustainability goal. The  
 3 department shall issue an assessment for each basin for which a  
 4 plan has been submitted in accordance with this ~~chapter~~ *chapter*,  
 5 *with an emphasis on assessing progress in achieving the*  
 6 *sustainability goal within the basin*. The assessment may include  
 7 recommended corrective actions to address any deficiencies  
 8 identified by the department.

9 10734. (a) Consistent with Section 3 of Article XIII A of the  
 10 California Constitution, the department shall adopt a schedule of  
 11 fees to recover costs incurred in carrying out this chapter.

12 (b) It is the intent of the Legislature to amend this measure to  
 13 adopt additional authority for the department to implement the fee  
 14 authority provided by this section.

15  
 16 CHAPTER 11. STATE INTERVENTION  
 17

18 10735. As used in this chapter, the following terms have the  
 19 following meanings:

20 (a) “Condition of long-term overdraft” means the condition of  
 21 a groundwater basin where the average annual amount of water  
 22 extracted for a long-term period, generally 10 years or more,  
 23 exceeds the long-term average annual supply of water to the basin,  
 24 plus any temporary surplus. Overdraft during a period of drought  
 25 is not sufficient to establish a condition of long-term overdraft if  
 26 extractions and recharge are managed as necessary to ensure that  
 27 reductions in groundwater levels or storage during a period of  
 28 drought are offset by increases in groundwater levels or storage  
 29 during other periods.

30 (b) “Person” means any person, firm, association, organization,  
 31 partnership, business, trust, corporation, limited liability company,  
 32 or public agency, including any city, county, city and county,  
 33 district, joint powers authority, state, or any agency or department  
 34 of those entities. “Person” includes, to the extent authorized by  
 35 federal law, the United States, a department, agency or  
 36 instrumentality of the federal government, an Indian tribe, an  
 37 authorized Indian tribal organization, or interstate body.

38 (c) “Probationary basin” means a basin for which the board has  
 39 issued a determination under ~~this section~~ *Section 10735.2*.

1 (d) “Significant depletions of interconnected surface waters”  
 2 means reductions in flow or levels of a surface water that is  
 3 hydrologically connected to the basin such that the reduced surface  
 4 water flow or level adversely affects beneficial uses of the surface  
 5 water.

6 10735.2. (a) The board, after notice and a public hearing, may  
 7 designate a basin as a probationary basin, if the board finds one  
 8 or more of the following applies to the basin:

9 (1) After January 1, 2017, none of the following have occurred:

10 (A) ~~No~~ A local agency has elected to be a groundwater  
 11 sustainability agency that intends to develop a groundwater  
 12 sustainability plan for the entire basin.

13 (B) ~~No~~ A collection of local agencies has formed a groundwater  
 14 sustainability agency or prepared agreements to develop one or  
 15 more groundwater sustainability plans that will collectively serve  
 16 as a groundwater sustainability plan for the entire basin.

17 ~~(C) There is no plan developed pursuant to Part 2.75~~  
 18 ~~(commencing with Section 10750) that satisfies the objectives of~~  
 19 ~~this part.~~

20 ~~(D) There is no report approved by a groundwater agency that~~  
 21 ~~shows that current management or operations activities have been~~  
 22 ~~consistent with the sustainable yield of the basin over a period of~~  
 23 ~~at least 10 years, as described in paragraph (2) of subdivision (b)~~  
 24 ~~of Section 10733.6.~~

25 *(C) A local agency has submitted an alternative that has been*  
 26 *approved or is pending approval pursuant to Section 10733.6. If*  
 27 *the department disapproves an alternative pursuant to Section*  
 28 *10733.6, the board shall not act under this paragraph until at least*  
 29 *180 days after the department disapproved the alternative.*

30 (2) After January 31, 2020, none of the following have occurred:

31 (A) ~~No~~ A groundwater sustainability agency has adopted a  
 32 groundwater sustainability plan for the entire basin.

33 (B) ~~No~~ A collection of local agencies have adopted groundwater  
 34 sustainability plans that collectively serve as a groundwater  
 35 sustainability plan for the entire basin.

36 (C) The department has ~~not determined that a local agency has~~  
 37 ~~a functional equivalent as described in Section 10733.6.~~ *approved*  
 38 *an alternative pursuant to Section 10733.6.*

39 ~~(D) There is no report approved by a groundwater agency that~~  
 40 ~~shows that current management or operations activities have been~~

1 consistent with the sustainable yield of the basin over a period of  
2 at least 10 years, as described in paragraph (2) of subdivision (b)  
3 of Section 10733.6.

4 (3) After January 31, 2020, ~~either~~ *both* of the following have  
5 occurred:

6 (A) ~~The department has determined~~ *department, in consultation*  
7 *with the board, determines* that a groundwater sustainability plan  
8 is inadequate or that the groundwater sustainability program is not  
9 being implemented in a manner that will likely achieve the  
10 sustainability goal.

11 (B) *The board determines that the* basin is in a condition of  
12 long-term overdraft or in a condition where groundwater  
13 extractions result in significant depletions of interconnected surface  
14 waters.

15 ~~(b) (1) In making the findings associated with subparagraph~~  
16 ~~(A) of paragraph (3) of subdivision (a), the~~ *department and* board  
17 may rely on periodic assessments the department has prepared  
18 pursuant to Chapter 10 (commencing with Section 10733). The  
19 board may request that the department conduct additional  
20 assessments utilizing the guidelines developed pursuant to Chapter  
21 10 (commencing with 10733) and make determinations pursuant  
22 to this section. The board shall post on its Internet Web site and  
23 provide at least 30 days for the public to comment on any  
24 determinations provided by the department pursuant to this  
25 subdivision.

26 ~~(2) The board shall consult with the department in assessing~~  
27 ~~technical determinations pursuant to subparagraph (A) of paragraph~~  
28 ~~(3) of subdivision (a).~~

29 ~~(e) The determination shall set an amount of groundwater~~  
30 ~~extractions, for purposes of establishing the amount for which~~  
31 ~~reports of groundwater extraction are required under Part 5.2~~  
32 ~~(commencing with Section 5200) of Division 2, and may include~~  
33 ~~exclusions for certain classes or categories of extractions that are~~  
34 ~~likely to have a minimal impact on basin withdrawals.~~

35 ~~(c) (1) The determination may exclude a class or category of~~  
36 ~~extractions from the requirement for reporting pursuant to Part~~  
37 ~~5.2 (commencing with Section 5200) of Division 2 if those~~  
38 ~~extractions are likely to have a minimal impact on basin~~  
39 ~~withdrawals.~~

1     (2) *The determination may require reporting of a class or*  
2 *category of extractions that would otherwise be exempt from*  
3 *reporting pursuant to paragraph (1) of subdivision (c) of Section*  
4 *5202 if those extractions are likely to have a substantial impact*  
5 *on basin withdrawals or requiring reporting of those extractions*  
6 *is reasonably necessary to obtain information for purposes of this*  
7 *chapter.*

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

13     (4) *The determination may modify the water year or reporting*  
14 *date for a report of groundwater extraction pursuant to Section*  
15 *5202.*

16     10735.4. (a) If the board designates a basin as a probationary  
17 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section  
18 10735.2, a local agency or groundwater sustainability agency shall  
19 have 180 days to remedy the deficiency. The board may appoint  
20 a mediator or other facilitator, after consultation with affected local  
21 agencies, to assist in resolving disputes, and identifying and  
22 implementing actions that will remedy the deficiency.

23     (b) After the 180-day period provided by subdivision (a), the  
24 board may provide additional time to remedy the deficiency if it  
25 finds that a local agency is making substantial progress toward  
26 remedying the deficiency.

27     (c) The board may develop an interim plan pursuant to Section  
28 10735.8 for the probationary basin at the end of the ~~time~~ period  
29 provided by subdivision (a) or any extension provided pursuant  
30 to subdivision (b), if the board, in consultation with the department,  
31 determines that a local agency has not remedied the deficiency  
32 that resulted in designating the basin as a probationary basin  
33 ~~pursuant to this section.~~

34     10735.6. (a) If the board designates a basin as a probationary  
35 basin pursuant to paragraph (3) of subdivision (a) of Section  
36 10735.2, the board shall identify the specific deficiencies and  
37 identify potential actions to address the deficiencies. The board  
38 may request the department to provide local agencies, within 90  
39 days of the designation of a probationary basin, with technical  
40 recommendations to remedy the deficiencies.

- 1 (b) The board may develop an interim plan pursuant to Section  
2 10735.8 for the probationary basin one year after the designation  
3 of the basin pursuant to paragraph (3) of subdivision (a) of Section  
4 10735.2, if the board, in consultation with the department,  
5 determines that a local agency has not remedied the deficiency  
6 that ~~result~~ *resulted* in designating the basin a probationary basin.  
7 10735.8. (a) The board, after notice and a public hearing, may  
8 adopt an interim plan for a probationary basin.
- 9 (b) The interim plan shall include all of the following:  
10 (1) Identification of the actions that are necessary to correct a  
11 condition of long-term overdraft or a condition where groundwater  
12 extractions result in significant depletions of interconnected surface  
13 waters, including recommendations for appropriate action by any  
14 person.  
15 (2) A time schedule for the actions to be taken.  
16 (3) A description of the monitoring to be undertaken to  
17 determine effectiveness of the plan.
- 18 (c) The interim plan may include the following:  
19 (1) Restrictions on groundwater ~~pumping or~~ extraction.  
20 (2) A physical solution.  
21 (3) Principles and guidelines for the administration of rights to  
22 surface waters that are connected to the basin.
- 23 (d) ~~To the extent feasible, consistent with~~ *Except as provided*  
24 *in Sections 100 and 275 and subdivision (e), the interim plan shall*  
25 *be consistent with water right priorities.*
- 26 (e) Where, in the judgment of the board, a groundwater  
27 sustainability plan, groundwater sustainability program, or an  
28 adjudication action can be relied on as part of the interim plan,  
29 either throughout the basin or in an area within the basin, the board  
30 may rely on, or incorporate elements of, that plan, program, or  
31 adjudication into the interim plan adopted by the board or allow  
32 local agencies to continue implementing those parts of a plan or  
33 program that the board determines are adequate.
- 34 (f) In carrying out activities that may affect the probationary  
35 basin, state entities shall comply with an interim plan adopted by  
36 the board pursuant to this section unless otherwise directed or  
37 authorized by statute and the state entity shall indicate to the board  
38 in writing the authority for not complying with the interim plan.
- 39 (g) (1) After the board adopts an interim plan under this section,  
40 the board shall determine if a groundwater sustainability plan or

1 an adjudication action is adequate to eliminate the condition of  
2 long-term overdraft or condition where groundwater extractions  
3 result in significant depletions of interconnected surface waters,  
4 upon petition of either of the following:

5 (A) A groundwater sustainability agency that has adopted a  
6 groundwater sustainability plan for the probationary basin or a  
7 portion thereof.

8 (B) A person authorized to file the petition by a judicial order  
9 or decree entered in an adjudication action in the probationary  
10 basin.

11 (2) The board shall act on a petition filed pursuant to paragraph  
12 (1) within 90 days after the petition is complete. If the board, *in*  
13 *consultation with the department*, determines that the groundwater  
14 sustainability plan or adjudication action is adequate, the board  
15 shall rescind the interim plan adopted by the board for the  
16 probationary basin, except as provided in paragraphs (3) and (4).

17 (3) Upon request of the petitioner, the board may amend an  
18 interim plan adopted under this section to eliminate portions of  
19 the interim plan, while allowing other portions of the interim plan  
20 to continue in effect.

21 (4) The board may decline to rescind an interim plan adopted  
22 pursuant to this section if the board determines that the petitioner  
23 has not provided adequate assurances that the groundwater  
24 sustainability plan or judicial order or decree will be implemented.

25 (5) This subdivision is not a limitation on the authority of the  
26 board to stay its proceedings under this section or to rescind or  
27 amend an interim plan adopted pursuant to this section based on  
28 the progress made by a groundwater sustainability agency or in  
29 an adjudication action, even if the board cannot make a  
30 determination of adequacy in accordance with paragraph (1).

31 10736. (a) The board shall adopt or amend a determination or  
32 interim plan under Section 10735.2 or 10735.8 in accordance with  
33 procedures for quasi-legislative action.

34 (b) The board shall provide notice of a hearing described in  
35 subdivision (a) of Section 10735.2 or subdivision (a) of Section  
36 10735.8 as follows:

37 (1) At least 90 days before the hearing, the board shall publish  
38 notice of the hearing on its Internet Web site.



1 (2) At least 90 days before the hearing, the board shall notify  
2 the department and each city, county, or city and county in which  
3 any part of the basin is situated.

4 (3) (A) For the purposes of this paragraph, the terms  
5 “board-designated local area” and “local agency” have the same  
6 meaning as defined in Section 5009.

7 (B) At least 60 days before the hearing, the board shall mail or  
8 send by electronic mail notice to all persons known to the board  
9 who extract or who propose to extract water from the basin, or  
10 who have made written or electronic mail requests to the board  
11 for special notice of hearing pursuant to this part. If any portion  
12 of the basin is within a board-designated local area, the records  
13 made available to the board by the local agency in accordance with  
14 paragraph (4) of subdivision (d) of Section 5009 shall include the  
15 names and addresses of persons and entities known to the local  
16 agency who extract water from the basin, and the board shall mail  
17 or send by electronic mail notice to those persons.

18 (c) The board shall provide notice of proceedings to amend or  
19 repeal a determination or plan under Section 10735.2 or 10735.8  
20 as appropriate to the proceedings, taking into account the nature  
21 of the proposed revision and the person likely to be affected.

22 (d) (1) Except as provided in paragraphs (2) and (3), Chapter  
23 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
24 Title 2 of the Government Code does not apply to any action  
25 authorized pursuant to Section 10735.2 or 10735.8.

26 (2) The board may adopt a regulation in accordance with Chapter  
27 3.5 (commencing with Section 11340) of Part 1 of Division 2 of  
28 Title 2 of the Government Code setting procedures for adopting a  
29 determination or plan.

30 (3) The board may adopt a regulation applying or interpreting  
31 this part pursuant to Section 1530 if the board determines that the  
32 emergency regulation is reasonably necessary for the allocation,  
33 administration, or collection of fees authorized pursuant to Section  
34 1529.5.

35 10736.2. Division 13 (commencing with Section 21000) of the  
36 Public Resources Code does not apply to any action or failure to  
37 act by the board under this chapter, other than the adoption or  
38 amendment of an interim plan pursuant to Section 10735.8.

39 10736.4. The extraction or use of water extracted in violation  
40 of an interim plan under this part shall not be relied upon as a basis

1 for establishing the extraction or use of water to support a claim  
2 in an action or proceeding for determination of water rights.

3 10736.6. (a) The board may order a person that extracts or  
4 uses water from a basin that is subject to an investigation or  
5 proceeding under this chapter to prepare and submit to the board  
6 any technical or monitoring program reports related to that person's  
7 or entity's extraction or use of water as the board may specify.  
8 The costs incurred by the person in the preparation of those reports  
9 shall bear a reasonable relationship to the need for the report and  
10 the benefit to be obtained from the report. If the preparation of  
11 individual reports would result in a duplication of effort, or if the  
12 reports are necessary to evaluate the cumulative effect of several  
13 diversions or uses of water, the board may order any person subject  
14 to this subdivision to pay a reasonable share of the cost of preparing  
15 reports.

16 (b) (1) An order issued pursuant to this section shall be served  
17 by personal service or registered mail on the party to submit  
18 technical or monitoring program reports or to pay a share of the  
19 costs of preparing reports. Unless the board issues the order after  
20 a hearing, the order shall inform the party of the right to request a  
21 hearing within 30 days after the party has been served. If the party  
22 does not request a hearing within that 30-day period, the order  
23 shall take effect as issued. If the party requests a hearing within  
24 that 30-day period, the board may adopt a decision and order after  
25 conducting a hearing.

26 (2) In-lieu of adopting an order directed at named persons in  
27 accordance with the procedures specified in paragraph (1), the  
28 board may adopt a regulation applicable to a category or class of  
29 persons in accordance with Chapter 3.5 (commencing with Section  
30 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

31 (c) Upon application of a person or upon its own motion, the  
32 board may review and revise an order issued or regulation adopted  
33 pursuant to this section in accordance with the procedures set forth  
34 in subdivision (b).

35 (d) In conducting an investigation or proceeding pursuant to  
36 this part, the board may inspect the property or facilities of a person  
37 to ascertain whether the purposes of this part are being met and to  
38 ascertain compliance with this part. The board may obtain an  
39 inspection warrant pursuant to the procedures set forth in Title 13  
40 (commencing with Section 1822.50) of Part 3 of the Code of Civil

1 Procedure for the purposes of an inspection pursuant to this  
2 subdivision.

3 ~~SEC. 11.~~

4 *SEC. 13.* Section 10750.1 is added to the Water Code, to read:

5 10750.1. (a) Beginning January 1, 2015, a new plan shall not  
6 be adopted and an existing plan shall not be renewed pursuant to  
7 this part, except as provided in subdivision (b). A plan adopted  
8 before January 1, 2015, shall remain in effect until a groundwater  
9 sustainability plan is adopted pursuant to Part 2.74 (commencing  
10 with Section 10720).

11 (b) This section does not apply to a low- or very low priority  
12 basin as categorized for the purposes of Part 2.74 (commencing  
13 with Section 10720).

14 (c) *This section does not apply to a plan submitted as an*  
15 *alternative pursuant to Section 10733.6, unless the department*  
16 *has not determined that the alternative satisfies the objectives of*  
17 *Part 2.74 (commencing with Section 10720) on or before January*  
18 *31, 2020, or the department later determines that the plan does*  
19 *not satisfy the objectives of that part.*

20 ~~SEC. 12.~~

21 *SEC. 14.* Section 10927 of the Water Code is amended to read:

22 10927. Any of the following entities may assume responsibility  
23 for monitoring and reporting groundwater elevations in all or a  
24 part of a basin or subbasin in accordance with this part:

25 (a) A watermaster or water management engineer appointed by  
26 a court or pursuant to statute to administer a final judgment  
27 determining rights to groundwater.

28 (b) (1) A groundwater management agency with statutory  
29 authority to manage groundwater pursuant to its principal act that  
30 is monitoring groundwater elevations in all or a part of a  
31 groundwater basin or subbasin on or before January 1, 2010.

32 (2) A water replenishment district established pursuant to  
33 Division 18 (commencing with Section 60000). This part does not  
34 expand or otherwise affect the authority of a water replenishment  
35 district relating to monitoring groundwater elevations.

36 (3) A groundwater sustainability agency with statutory authority  
37 to manage groundwater pursuant to Part 2.74 (commencing with  
38 Section 10720).

39 (c) A local agency that is managing all or part of a groundwater  
40 basin or subbasin pursuant to Part 2.75 (commencing with Section

1 10750) and that was monitoring groundwater elevations in all or  
 2 a part of a groundwater basin or subbasin on or before January 1,  
 3 2010, or a local agency or county that is managing all or part of a  
 4 groundwater basin or subbasin pursuant to any other legally  
 5 enforceable groundwater management plan with provisions that  
 6 are substantively similar to those described in that part and that  
 7 was monitoring groundwater elevations in all or a part of a  
 8 groundwater basin or subbasin on or before January 1, 2010.

9 (d) A local agency that is managing all or part of a groundwater  
 10 basin or subbasin pursuant to an integrated regional water  
 11 management plan prepared pursuant to Part 2.2 (commencing with  
 12 Section 10530) that includes a groundwater management  
 13 component that complies with the requirements of Section 10753.7.

14 (e) A local agency that has been collecting and reporting  
 15 groundwater elevations and that does not have an adopted  
 16 groundwater management plan, if the local agency adopts a  
 17 groundwater management plan in accordance with Part 2.75  
 18 (commencing with Section 10750) by January 1, 2014. The  
 19 department may authorize the local agency to conduct the  
 20 monitoring and reporting of groundwater elevations pursuant to  
 21 this part on an interim basis, until the local agency adopts a  
 22 groundwater management plan in accordance with Part 2.75  
 23 (commencing with Section 10750) or until January 1, 2014,  
 24 whichever occurs first.

25 (f) A county that is not managing all or a part of a groundwater  
 26 basin or subbasin pursuant to a legally enforceable groundwater  
 27 management plan with provisions that are substantively similar to  
 28 those described in Part 2.75 (commencing with Section 10750).

29 (g) A voluntary cooperative groundwater monitoring association  
 30 formed pursuant to Section 10935.

31 ~~SEC. 13.~~

32 *SEC. 15.* Section 10933 of the Water Code is amended to read:

33 10933. (a) The department shall commence to identify the  
 34 extent of monitoring of groundwater elevations that is being  
 35 undertaken within each basin and subbasin.

36 (b) (1) The department shall prioritize groundwater basins and  
 37 subbasins for the purpose of implementing this section. In  
 38 prioritizing the basins and subbasins, the department shall, to the  
 39 extent data are available, consider all of the following:

40 (A) The population overlying the basin or subbasin.

- 1 (B) The rate of current and projected growth of the population  
2 overlying the basin or subbasin.
- 3 (C) The number of public supply wells that draw from the basin  
4 or subbasin.
- 5 (D) The total number of wells that draw from the basin or  
6 subbasin.
- 7 (E) The irrigated acreage overlying the basin or subbasin.
- 8 (F) The degree to which persons overlying the basin or subbasin  
9 rely on groundwater as their primary source of water.
- 10 (G) Any documented impacts on the groundwater within the  
11 basin or subbasin, including overdraft, subsidence, saline intrusion,  
12 and other water quality degradation.
- 13 (H) Any other information determined to be relevant by the  
14 department.
- 15 (2) The department, in consultation with the Department of Fish  
16 and Wildlife, shall identify and develop prioritization criteria for  
17 the purpose of identifying groundwater basins and subbasins that  
18 should be prioritized based on adverse impacts to habitat and  
19 surface water resources. ~~The~~ *These* criteria shall be incorporated  
20 into the determination of basin and subbasin prioritization at the  
21 department's next update of basin and subbasin prioritizations that  
22 occurs after January 1, 2017.
- 23 (c) If the department determines that all or part of a basin or  
24 subbasin is not being monitored pursuant to this part, the  
25 department shall do all of the following:
- 26 (1) Attempt to contact all well owners within the area not being  
27 monitored.
- 28 (2) Determine if there is an interest in establishing any of the  
29 following:
- 30 (A) A groundwater management plan pursuant to Part 2.75  
31 (commencing with Section 10750).
- 32 (B) An integrated regional water management plan pursuant to  
33 Part 2.2 (commencing with Section 10530) that includes a  
34 groundwater management component that complies with the  
35 requirements of Section 10753.7.
- 36 (C) A voluntary groundwater monitoring association pursuant  
37 to Section 10935.
- 38 (d) If the department determines that there is sufficient interest  
39 in establishing a plan or association described in paragraph (2) of  
40 subdivision (c), or if the county agrees to perform the groundwater

1 monitoring functions in accordance with this part, the department  
2 shall work cooperatively with the interested parties to comply with  
3 the requirements of this part within two years.

4 (e) If the department determines, with regard to a basin or  
5 subbasin, that there is insufficient interest in establishing a plan  
6 or association described in paragraph (2) of subdivision (c), and  
7 if the county decides not to perform the groundwater monitoring  
8 and reporting functions of this part, the department shall do all of  
9 the following:

10 (1) Identify any existing monitoring wells that overlie the basin  
11 or subbasin that are owned or operated by the department or any  
12 other state or federal agency.

13 (2) Determine whether the monitoring wells identified pursuant  
14 to paragraph (1) provide sufficient information to demonstrate  
15 seasonal and long-term trends in groundwater elevations.

16 (3) If the department determines that the monitoring wells  
17 identified pursuant to paragraph (1) provide sufficient information  
18 to demonstrate seasonal and long-term trends in groundwater  
19 elevations, the department shall not perform groundwater  
20 monitoring functions pursuant to Section 10933.5.

21 (4) If the department determines that the monitoring wells  
22 identified pursuant to paragraph (1) provide insufficient  
23 information to demonstrate seasonal and long-term trends in  
24 groundwater elevations, the department shall perform groundwater  
25 monitoring functions pursuant to Section 10933.5.

26 ~~SEC. 14.~~

27 *SEC. 16.* Section 12924 of the Water Code is amended to read:

28 12924. (a) The department, in conjunction with other public  
29 agencies, shall conduct an investigation of the state's groundwater  
30 basins. The department shall identify the state's groundwater basins  
31 on the basis of geological and hydrological conditions and  
32 consideration of political boundary lines whenever practical. The  
33 department shall also investigate existing general patterns of  
34 groundwater ~~pumping~~ *extraction* and groundwater recharge within  
35 those basins to the extent necessary to identify basins that are  
36 subject to critical conditions of overdraft.

37 (b) The department may revise the boundaries of groundwater  
38 basins identified in subdivision (a) based on its own investigations  
39 or information provided by others.

1 (c) The department shall report its findings to the Governor and  
2 the Legislature not later than January 1, 2012, and thereafter in  
3 years ending in 5 or 0.

4 ~~SEC. 15.~~

5 *SEC. 17.* The provisions of this act are severable. If any  
6 provision of this act or its application is held invalid, that invalidity  
7 shall not affect other provisions or applications that can be given  
8 effect without the invalid provision or application.

9 ~~SEC. 16.~~

10 *SEC. 18.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution for certain  
12 costs that may be incurred by a local agency or school district  
13 because, in that regard, this act creates a new crime or infraction,  
14 eliminates a crime or infraction, or changes the penalty for a crime  
15 or infraction, within the meaning of Section 17556 of the  
16 Government Code, or changes the definition of a crime within the  
17 meaning of Section 6 of Article XIII B of the California  
18 Constitution.

19 However, if the Commission on State Mandates determines that  
20 this act contains other costs mandated by the state, reimbursement  
21 to local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.

24 ~~SEC. 17.~~

25 *SEC. 19.* The Legislature finds and declares that ~~Section 5 11~~  
26 *of this act, which adds Section 5206 to the Water Code and Section*  
27 *12 of this act, which adds Section 10730.8 to the Water Code,*  
28 ~~imposes~~ *impose* a limitation on the public's right of access to the  
29 meetings of public bodies or the writings of public officials and  
30 agencies within the meaning of Section 3 of Article I of the  
31 California Constitution. Pursuant to that constitutional provision,  
32 the Legislature makes the following findings to demonstrate the  
33 interest protected by this limitation and the need for protecting  
34 that interest:

35 In order to allow this act to fully accomplish its goals, it is  
36 necessary to protect proprietary information submitted pursuant  
37 to this act as confidential. Therefore, it is in the state's interest to  
38 limit public access to this information.

O

## Exhibit "D"



**IRVINE RANCH WATER DISTRICT**

15600 Sand Canyon Avenue • P.O. Box 57000 • Irvine, California 92619-7000 • (949) 453-5300 • [www.inwd.com](http://www.inwd.com)

July 30, 2014

The Honorable Fran Pavley  
California State Senate  
State Capitol Room 4035  
Sacramento, CA 95814

The Honorable Roger Dickinson  
California State Assembly  
State Capitol, Room 2013  
Sacramento, CA 95814

**RE: Comments on the July 29, 2014, Draft Groundwater Management Legislation**

Dear Senator Pavley and Assemblymember Dickinson:

On behalf of the Irvine Ranch Water District (IRWD), I am writing to provide you with the District's input and comments on key issues surrounding groundwater management in California and the draft language released by your offices on July 29, 2014. IRWD understands the complex nature of the challenges facing groundwater management, and we appreciate your thoughtful and deliberative approach to addressing those issues in order to preserve California's groundwater resources as a reliable water supply for generations to come.

With the increased dependence on local groundwater within California, it is now appropriate to reevaluate how groundwater is managed within the state. While many groundwater basins are managed by local and regional agencies, many others have no management structure or plans in place. This has left some regions faced with tackling the complex social and economic issues associated with conflicts between overlying rights to extract groundwater and the finite groundwater resources that are available.

For many years, IRWD has been involved with two different forms of groundwater management in two different California counties. In Orange County, fifty percent of our water supply comes from the Orange County groundwater basin managed by the Orange County Water District (OCWD). In Kern County, we have water banking facilities, and have partnered with the Rosedale-Rio Bravo and Buena Vista Water Storage Districts on the banking of stormwater flows, which benefit the local community and our ratepayers.

Like OCWD and our partners in the Central Valley, agencies that are actively managing their groundwater basins through local regulations, agreements and other methods have a vested interest in ensuring that legislative efforts related to groundwater management do not affect what is working well. IRWD has advocated that the State's focus should largely be on areas of the



state that do not currently have groundwater management programs in place and where water quality problems and/or overdraft conditions are prevalent and increasing through time.

It has been the District's long standing position that any action taken by the Legislature should not hinder or place additional burdens on the efforts of agencies that are already providing effective management of a groundwater basin. We appreciate the language provided in the "Summary of SB 1168 (Pavely) & AB 1739 (Dickinson)" and in Chapter 10 of the draft language, which indicates that a method for a functional equivalency review and/or review of an alternative plan may allow an existing groundwater management agency to comply with the legislation's requirements in a less burdensome manner. We support this approach to existing groundwater management agencies and look forward to reviewing the revisions proposed for inclusion in this chapter as we understand that this portion of the legislation is undergoing additional refinements.

In IRWD's experience, groundwater management is best managed by a local or regional agency on a basin or sub-basin level because successful management requires an understanding of unique local issues and conditions. Local entities are best positioned to understand these factors and best equipped to make decisions that affect their local economies and communities. The State should encourage local agencies to work together in forming a groundwater sustainability agency and in the development of local and regional sustainability goals and objectives.

The District agrees with your approach to groundwater management in that each groundwater sustainability agency should be asked to develop a groundwater sustainability plan that establishes long-term sustainability goals and objectives that consider local social and economic conditions; the need to maintain variations in groundwater elevations that are acceptable to water users within the groundwater basins and sub-basins and that do not result in adverse impacts; and the need to manage water quality in the basin to levels acceptable to the groundwater sustainability agency and consistent with existing and projected land uses. In addition to these factors, the groundwater sustainability agency should be required to consider and accommodate approved groundwater conjunctive use and storage programs currently operating successfully within a basin. Greater protection for these programs should be provided for in any legislation which moves forward on groundwater management. Towards this end, we recommend that Sections 10726, 10726.2 and 10727.4 be amended in the following manner.

**Section 10726-** "An entity within the area of a groundwater sustainability plan shall only divert surface water to underground storage consistent with the plan and shall report the diversion to underground storage to the groundwater sustainability agency for the relevant portion of the basin. ***This section shall not unreasonably restrict approved conjunctive use and storage programs.***"

**Section 1026.2 (b)-** "Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part, including, but not limited to, the spreading,

storing, retaining, or percolating into the soil of the waters for subsequent use or in a manner consistent with the provisions of Section 10727.2. As part of this authority, the agency **shall not harm ~~may validate~~** an existing groundwater conjunctive use or storage program **unless** it makes ~~upon~~ a finding that the program would **impede ~~aid or assist~~** the agency ~~in developing or~~ implementing a groundwater sustainability plan.”

**Section 10727.4** - Add subsection “*(l) Accommodation of approved conjunctive use and storage programs.*”

We also offer the following comments for your consideration as the draft language is further refined.

#### Additional Comments on the Draft Language

##### ***A. Legislative Findings: Subsection (b) (4)- Page 4***

Subsection (b)(4) states that it is the intent of the Legislature “To respect overlying and other proprietary rights to groundwater.” In addition to overlying rights, there are holders of appropriative groundwater rights. In many cases, the holders of these appropriative rights are public water agencies, which use the groundwater as a source of supply to meet the needs of their customers. The Legislature should protect both overlying and appropriative groundwater rights. As such, the legislative intent should be amended to reflect this. Subsection (b)(4) should be amended as follows:

“(4) To respect overlying and other **appropriative ~~proprietary~~** rights to groundwater.”

##### ***B. Section 4: Amendments to Government Code Section 65352.5- Page 9***

The draft language proposes several amendments to Section 65352.5 of the Government Code. One of the amendments proposed would add subsection (c)(10). Subsection (c)(10) would require a public water system to provide a city or county “A report on the anticipated effect of the proposed action to adopt or substantially amend a general plan on implementation of a groundwater sustainability plan pursuant to Part 2.74 (commencing with Section 10730) of Division 6 of the Water Code.” Since the groundwater sustainability agency will be preparing and implementing a groundwater sustainability plan, it would be more appropriate that the provision of the report required in subsection (c)(10) come from the groundwater sustainability agency instead of the public water system. The public water system may or may not be involved with the implementation of the groundwater sustainability plan. We ask that subsection(c)(10) be moved under subsection (d).

##### ***C. Section 7: Proposed Water Code Section 1529.5- Page 11***

Section 7 of the draft language appropriately grants the State Water Resources Control Board (State Board) the authority to recover costs it incurs as a result of its roles and administrative

responsibilities related to groundwater management. Language should be added to clarify that the State Board will be seeking to recover its costs from the parties involved in groundwater actions that come before it, and that fees to recover costs related to groundwater management will not be spread to all parties engaged in groundwater extraction or management activities throughout the state.

***D. Chapter 2: Definition of “Groundwater”- Page 18***

The draft language defines “Groundwater” as “water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.” Groundwater is often present in multiple layers beneath the ground. The definition for “Groundwater” should reflect this and could be accomplished in the following amendment:

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

***E. Chapter 2: Definition of “Groundwater recharge”- Page 18***

The draft language defines “Groundwater recharge” as “the augmentation of groundwater, by natural or artificial means.” Groundwater can also be recharged through in lieu means, and this should be recognized in the definition. The definition of “Groundwater recharge” should be:

“(i) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial *or in-lieu* means.”

***F. Chapter 2: Definition of “Local agency”- Page 18***

The draft language defines “Local agency” as meaning “a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” The definition should be amended to address public water system operators as a public water system may be providing service within groundwater basins or have facilities within the basin. Adding public water system operators to the definition of “local agency” would help clarify the role public water system operators can play in sustainable groundwater management. The definition of “Local agency” should be amended as follows:

“(m) “Local agency” means a local public agency that has water supply, water management, ~~or~~ land use responsibilities within a ground water basin, *or a public operator of public water system that serves the basin area or has facilities within the basin.*”

***G. Chapter 2: Definition of “Sustainable groundwater management” & “Sustainable yield”- Page 19***

The draft language defines “Sustainable groundwater management” as “the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.” Greater flexibility should be provided for in the definition of sustainable groundwater management. The definition should provide that:

“Sustainable groundwater management” means the management and use of groundwater in a manner that can be *facilitated within ~~maintained during~~* the planning and implementation horizon without causing undesirable results.”

In order to allow for a similar focus on long-term sustainability, the definition of “Sustainable yield” should focus on the average quantity of water that can be withdrawn annually from a groundwater supply without causing an undesirable result. The word “maximum” should be replaced with the word “average”.

***H. Chapter 2: Definition of “Undesirable result”- Page 20***

The definition of “Undesirable result” included in subsection (v)(2) defines one undesirable result as a “Significant and unreasonable reduction of groundwater storage.” As currently drafted, it is unclear if the undesirable result that is to be avoided is a reduction in the amount of groundwater being stored or a reduction in the amount of groundwater capacity within a basin. As the amount of groundwater being stored in a basin will change depending on use and replenishment, the focus of this subsection should be on the amount of storage capacity available within a basin. The word “capacity” should be added to the end of subsection (v)(2).

***I. Chapter 3: Basin Boundaries- Page 21***

IRWD agrees that the Legislature should ask the California Department of Water Resources (DWR) to designate groundwater management areas within the state where they do not exist today. These designations should take into consideration hydrologic, geohydrologic, institutional and political considerations. It is also important to provide a process by which a local agency can petition DWR for a basin boundary adjustment. Chapter 3’s provision for such adjustments is important to the success of groundwater management in California. It allows a local agency to request DWR to revise a boundary so that a basin can be managed more effectively.

IRWD requests that you consider making slight changes to this chapter in order to allow, if DWR grant’s a boundary change, sufficient time for the formation of a groundwater sustainability agency in the new basin/sub-basins. The chapter should also provide enough time for the groundwater sustainability agency to develop a groundwater sustainability plan, establish sustainable goals and objectives, establish water use reporting and monitoring networks, develop modeling and analysis tools and to develop community consensus on plan elements.

***J. Chapter 4: Establishing Groundwater Sustainability Agencies- Pages 22-24***

Section 10732.2 lists the interests that the groundwater sustainability agency shall consider. It is appropriate that the list includes the holders of overlying groundwater rights, and we urge you to consider providing that the interests of holders of appropriative groundwater rights also be taken into account. The interests of agencies responsible for water supply and water management should also be considered by the groundwater sustainability agencies. Given the definition suggested above for “Local agency”, subsection (c) and (d) could be combined.

To affect these changes, subsections (b) through (d) should be amended to read:

“(b) ***Holders of appropriative groundwater rights, including*** municipal well operators.

(c) ***Local agencies.*** ~~***Public water systems.***~~

(d) ~~***Local land use planning agencies.***~~”

Additionally, we would suggest a minor amendment to Section 10723.8. Section 10723.8 directs a newly formed groundwater sustainability agency to provide DWR with a copy of its bylaws, ordinances and new authorities within 30 days of its formation. The groundwater sustainability agency may not have all of its ordinances and authorities developed within 30 days of its formation. Subsection (c) of Section 10723.8 should be amended to read “A copy of the ***initial*** bylaws, ordinances and new authorities.”

***K. Chapter 4: Establishing Groundwater Sustainability Agencies- Page 22***

As demonstrated by OCWD, the management of groundwater resources can occur without limiting production, imposing burdensome well permitting processes or controlling land uses. OCWD manages its groundwater basin through the use of tiered pricing based on a member agency’s level of pumping. The price signal encourages efficient use of groundwater and discourages overdraft. This method for controlling groundwater extractions should be recognized in the legislation. The recognition could be added in Section 10726.4(a)(2) as follows:

“To control groundwater extractions ***through the use of a tiered volumetric pumping fees or*** by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, the construction of new groundwater wells, the enlarging of existing groundwater wells, the reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations. A limitation on extractions by a groundwater sustainability agency shall not be construed to be a final determination of rights to extract groundwater from the basin or any portion of the basin.”

***L. Chapter 6: Groundwater Sustainability Plans- Page 35 & 37***

As stated above, IRWD agrees with your approach to groundwater management in that each groundwater sustainability agency should be asked to develop a groundwater sustainability plan that establishes long-term sustainability goals and objectives that consider local social and economic conditions. The District also appreciates that the draft language provides for multiple groundwater sustainability plans and a coordinated agency approach to preparing a groundwater sustainability plan. The language also appropriately includes a list of assumptions which these coordinating agencies must use in the development of the plan. In addition to the seven criteria listed in Section 10727.6, we believe that it is important that the agencies use the same geological data. We ask that this be added as subsection (h) to Section 10727.6.

In addition to listing the requirement for a groundwater sustainability plan in Chapter 6, Section 10724.8 provides that a groundwater sustainability agency shall hold a public hearing before it adopts or amends a groundwater sustainability plan. Section 10724.8 also provides that the groundwater sustainability agency shall provide notice to a city or county with the plan area. While this notice is appropriate, a groundwater sustainability agency should also provide notice to each local agency within the plan area. We would suggest that Section 10724.8 be amended as follows:

“A groundwater sustainability agency may adopt or amend a groundwater sustainability plan if the groundwater sustainability agency holds a public hearing and more than 90 days have passed since the groundwater sustainability agency provided notice to a ***local agency, city or county*** within the area of the proposed plan or amendment. The groundwater sustainability agency shall obtain comments from any ***local agency, city or county*** that receives notice pursuant to this section and shall consult with a ***local agency, city or county*** that requests consultation within 30 days of receipt of the notice. Nothing in this section is intended to preclude an agency and a city or county from otherwise consulting or commenting regarding the adoption or amendment of a plan.”

***M. Chapter 8: Financial Authority- Page 38***

In our experience, one of the most costly aspects of managing a groundwater basin is the costs associated with recharge of the basin. While Chapter 8 does not preclude a groundwater sustainability agency from recovering recharge costs, we believe the importance of recharge and the costly aspects of it suggest that recharge should be expressly listed as one of the costs that can be recovered by a groundwater sustainability agency in Section 10730. This recognition could be added to Section 10730(a) through the following amendment:

“A groundwater sustainability agency may impose fees, including, but not limited to, permit fees and fees on groundwater extraction or other regulated activity, to fund the costs of a groundwater sustainability program, including, but not limited to, preparation, adoption, and amendment of a groundwater sustainability plan, and program administration, ***recharge of the basin***, investigations, inspections, compliance assistance,

and enforcement. A groundwater sustainability agency shall not impose a fee pursuant to this subdivision on a de minimus extractor unless the agency has regulated the users pursuant to this part.”

*N. Chapter 10: State Evaluation and Assessment- Page 47*

Finally, Chapter 10 of the draft language provides that DWR will have two years to evaluate and issue an assessment of a groundwater sustainability plan submitted to it by a groundwater sustainability agency. While IRWD understands the number of plans that may be submitted to DWR and the department’s capacity constraints, the two year time period for review does not provide groundwater sustainability agencies timely notice of any problem with its plan, and only delays effective, sustainable groundwater management. A shorter DWR review period should be provided in the legislation.

Given many years of experience in two different groundwater basins, the IRWD Board of Directors adopted “Groundwater Management Policy Principles” on May 27, 2014, which have provided the basis for our comments in the groundwater stakeholder meetings and our additional comments on the draft language above. A copy of those policy principles is attached for your reference.

Again, we appreciate the amount of time and effort you, your staff and the other members of the drafting group have put into listening to stakeholders and in drafting the proposed language. As you continue to refine the language, we look forward to continuing to work with you and the Administration in developing constructive legislation on sustainable groundwater management that will provide reliable and safe water supplies for many years to come. Please do not hesitate to contact me at (949) 453-5590, or our Sacramento Advocate, Maureen O’Haren, at (916) 498-1900 if we can be of assistance to you and your staff.

Sincerely,



Paul A. Cook  
General Manager

Enclosure:

cc: Martha Guzman-Aceves, Office of the Governor  
Dennis O’Connor, Consultant, Senate Natural Resources & Water Committee  
Leslie Sphann, Office of Assemblymember Roger Dickinson  
Gordon Burns, Undersecretary, California Environmental Protection Agency  
Debbie Davis, Governor’s Office of Planning and Research  
Tina Cannon-Leahy, Consultant, Assembly Water, Parks & Wildlife Committee

## Groundwater Management Policy Principles

### Issue Summary:

The loss of reliable deliveries from the State Water Project and the Central Valley Project, as a result of environmental restrictions and the drought, are driving an increased dependence on local groundwater within California, particularly in the Central Valley. This increased dependence has resulted in significant depletions of groundwater supplies and historically low water levels resulting in problems in meeting demands for water, land subsidence, reduced streamflows, degradation of water quality, and impacts to fish and wildlife resources.

The Administration and the Legislature have engaged stakeholders on how to empower local agencies to better manage groundwater basins in their regions, and to develop a process for the State to step in when local management does not occur or when overdraft takes place for an extended period of time. As demonstrated by the Orange County Water District (OCWD), the management of groundwater resources can occur without limiting production, imposing burdensome well permitting processes or controlling land uses. Agencies that are actively managing their groundwater basins through local regulations, agreements and other methods have a vested interest in legislative efforts related to groundwater management.

As a means of providing input into the discussions surrounding groundwater management in California, and in order to guide the Irvine Ranch Water District's (IRWD) advocacy efforts related to these discussions, the following policy principles have been adopted by the IRWD Board of Directors.

### Policy Principles:

- Actions should not be taken that would hinder or place burdens on the efforts of agencies that are already providing effective management of groundwater basins.
- The State should focus its actions on areas of the state that do not currently have groundwater management programs in place and where water quality problems and/or overdraft conditions are prevalent and increasing through time.
- Incentives should be provided for effective local groundwater management rather than taking regulatory actions that result in unfunded mandates and burdensome requirements.
- The recharge of water and use of unused storage capacity in areas that are currently unmanaged should be encouraged.
- The State should encourage the California Department of Public Health in completing its rulemaking on recharge of recycled water.
- Stormwater capture and recharge should be maximized to the extent possible taking into consideration existing rights to the use of water and water quality considerations.
- Actions should be taken that facilitate exchanges of water through consolidated places of use. Such actions would assist in providing water banking storage capabilities to entities with excess water during wet periods. This additional storage would regulate supplies for use during dry years and would reduce dependency on mining of groundwater.



- The State should ask the California Department of Water Resources (DWR) to designate groundwater management areas within the state where they do not exist today. Such designations should take into consideration hydrologic, geohydrologic, institutional and political considerations.
- DWR should provide examples of locally controlled governance structures that have been successful in the management of groundwater resources. Examples of successful adjudications and management methods should be provided and best practices should be published.
- Efforts to require entities to establish thresholds for sustainable groundwater management should be focused on establishing water use reporting and monitoring networks, and facilitating the development of groundwater management plans. Resulting thresholds should be sensitive to existing and expected local social and economic conditions.
- Minimum requirements for development of Groundwater Management Plans should be developed, and the State should track preparation and implementation of plans.
- Groundwater management agencies should be provided enough time to develop Groundwater Management Plans in order to establish sustainable goals and objectives, to establish water use reporting and monitoring networks, to develop modeling and analysis tools, and to develop community consensus on plan elements.
- A process should be implemented where impacted local land owners and communities in unmanaged areas can petition to the SWRCB to establish groundwater management agencies where any of the following conditions are occurring:
  - Groundwater levels are declining such that land uses are being impaired.
  - Extraction of water significantly exceeds replenishment.
  - Preventable waste is occurring.
  - Water quality is degrading due to overdraft conditions.
  - Significant subsidence is occurring.
  - Groundwater contaminants are impacting multiple landowners or communities.
- The State should ensure that new and existing agencies responsible for the management of groundwater resources are given uniform and enforceable powers to collect fees, collect water use information and to implement Groundwater Management Plans.
- The definition of sustainability and groundwater use permitting and planning should be specific to each management area and determined by each local groundwater management agency.
- Incentives should be provided to encourage local and regional management of groundwater basins in the form of grant funding for establishing monitoring well networks and modeling tools.
- The State should provide technical and financial assistance in the development of water use reporting and monitoring networks and Groundwater Management Plans.
- The State should be an active participant in establishing a funding source for cleanup of contaminated groundwater sites where responsible parties are unavailable, unable or unwilling to pay for cleanup.

**IRWD Contacts:**

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