

- **Board of Directors**  
**Communications and Legislation Committee**

March 13, 2007 Board Meeting

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**9-3**

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**Subject**

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Staff analysis and support of Senate Bill 178 (Steinberg, D-Sacramento and Kuehl, D-Santa Monica) establishing a groundwater monitoring program; and Senate Bill 862 (Kuehl, D-Santa Monica and Steinberg, D-Sacramento) regarding water resources

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**Description**

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**Summary**

In February 2007, Senator Darrell Steinberg (D-Sacramento), Chair of the Senate Natural Resources and Water Committee, and Senator Sheila Kuehl (D-Santa Monica), Chair of the Senate Health Committee and member of the Senate Natural Resources and Water Committee, jointly introduced Senate Bill 178 ([Attachment 1](#)) establishing a groundwater monitoring and reporting program, and Senate Bill 862 ([Attachment 2](#)) regarding water resources planning. SB 862 is similar to Senator Kuehl's SB 820 and SB 1640 from the 2005/06 legislative session. Both SB 820 and SB 1640 were vetoed by Governor Arnold Schwarzenegger in September 2005 and 2006, respectively.

This session, SB 178 includes the provisions for groundwater monitoring and reporting found in the 2006 legislation. SB 862 contains the balance of the water resource reporting provisions from the 2005 and 2006 legislation. Metropolitan's Board expressed support for both SB 820 and SB 1640, and Metropolitan advocated for its passage. Due to past board support for the substance of the prior legislation, staff intends to express support for SB 178 and SB 862.

**Senate Bill 178** – This bill would amend the California Water Code to establish a program administered by the Department of Water Resources (DWR) for monitoring and reporting information pertaining to groundwater elevations in basins or sub-basins as set forth in DWR's Bulletin No. 118. The bill authorizes DWR to establish regulations to implement the provisions of the bill. The bill sets forth a priority for entities eligible to perform the groundwater monitoring, subject to DWR approval. In the event there is no local entity to perform the function, DWR could perform the data collection and recover its costs for performing the monitoring function. Any entity who elects to assume the monitoring function, according to the reporting hierarchy, must notify DWR before January 1, 2009. The bill directs DWR to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation data would be reported, and to defer to existing monitoring programs that result in information that demonstrates seasonal and long-term trends in groundwater elevations.

By January 1, 2010, DWR would begin to characterize the extent of groundwater level monitoring that is occurring in groundwater basins and sub-basins. The bill sets out criteria for prioritizing basins for implementing the groundwater monitoring and reporting. The criteria includes the overlying population and rate of growth, number of public water supply wells, total number of wells, overlying irrigated acreage, the degree of reliance on groundwater as a primary water source, and documented impacts such as overdraft, subsidence, or saline intrusion. DWR is directed to report its findings to the Governor and the Legislature by January 1, 2010, and every five years thereafter.

**Senate Bill 862** – As with the prior SB 820 and SB 1640, this bill proposes to amend the California Water Code to strengthen water conservation policy, increase understanding of water use in California and enhance the integrity of water resources planning and management. In particular, the bill, as introduced, would include the following requirements:

**State Water Project**

- Require DWR, commencing in 2009, to prepare a report every two years describing the overall delivery capability of the State Water Project facilities under a range of hydrologic conditions, including historic extended dry cycle and the long-term average, and the allocation delivery capability to each State Water Contractor.

**Water Diversion Filing**

- Exempt from existing State Water Resources Control Board (SWRCB) water diversion filing requirements diversions covered by a registration of appropriation for small domestic or livestock or stock pond uses, specified diversions by DWR from State Water Project facilities to satisfy prior rights, and certain diversions that occurred prior to January 1, 2008.
- Expands civil liability provision for any person failing to file a statement of diversion or use on or after January 1, 2007.
- Makes any person who fails to file a statement for diversion or use by January 1, 2008, ineligible for funds from programs administered by SWRCB, DWR, or the California Bay-Delta Authority (CBDA).

**California Water Plan**

- Requires DWR to include a discussion in the California Water Plan, by December 31, 2013, regarding the amount of energy both produced and required for each strategy in the Plan to meet the future water needs of the state.

**Urban Water Management Plans**

- Requires urban water suppliers to include public utilities that provide electric or gas service among those coordinating agencies included in the plan.
- Requires urban water suppliers to describe water management tools and options relied upon to improve water supply reliability.
- Requires plan to include a quantification of the amount of energy both produced by and required by certain existing and planned water sources, including consideration of the costs and benefits of the energy with an energy cost-benefit analysis on conserved water during periods of peak and nonpeak use.
- Requires plan to include a discussion of supply sources and water management programs considered but rejected and the extent to which the urban water supplier has diversified its sources of supply as a means to improve overall reliability.
- Revises public notification requirements on adoption of the plan and requires submittal of the plans to additional entities, including any applicable groundwater management entity, agricultural water supplier, city/county library, and Local Agency Formation Commission.
- Prohibits urban water supplier from receiving funds administered by the SWRCB, DWR, or the CBDA if it fails to prepare, adopt, and submit a plan.

**Groundwater Management Plans**

- Prohibits a local agency from receiving funds administered by SWRCB or CBDA (funds already are precluded from DWR) if it fails to prepare an AB 3030 groundwater management plan currently required by state law.
- Requires existing plans to be updated by December 31, 2008, and every five years thereafter, and requires submittal of the plan to additional entities, including any applicable city/county urban water supplier, agricultural water supplier, city/county library, the California State Library, and Local Agency Formation Commission.

**Agricultural Water Management Plans**

- Requires DWR to conduct a survey of entities that supply water for agricultural purposes and recommend the appropriate minimum size of an “agricultural water supplier” by January 1, 2009.
- Requires each designated agricultural water supplier to prepare and adopt an agricultural water management plan, as set forth in the bill, by December 31, 2010, subject to update every five years.
- Requires agricultural water suppliers to submit to DWR a report assessing implementation of the plan a year prior to the submittal of the plan update.
- Allows agricultural water suppliers to satisfy the requirements for a plan by: (1) adoption of an urban water management plan, (2) submittal of a United States Bureau of Reclamation approved water conservation plan, or (3) submittal of a water management plan in accordance with the Agricultural Water Management Council Memorandum of Understanding.
- Prohibits agricultural water supplier from receiving funds administered by SWRCB, DWR, or CBDA if it fails to prepare, adopt, and submit an agricultural water management plan.

**Impacts on Metropolitan**

This bill would have certain additional reporting and notification requirements for completing urban water management plans for Metropolitan and its member agencies. The bill would formalize existing Metropolitan relationships and partnerships with electric and gas utilities within Metropolitan’s service area.

**Policy**

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By Minute Item 39978, dated December 8, 1992, the Board approved the principles cited in the General Manager’s letter dated November 24, 1992, as initial positions on groundwater legislation.

By Minute Item 41222, January 10, 1995, the Board approved the Legislative Policy Principles presented in a letter signed by Deputy General Manager on behalf of the General Manager on December 20, 1994 that included amendments regarding source water quality protection related to Southern California Groundwater Management.

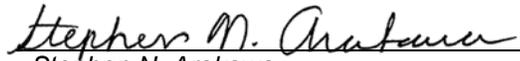
By Minute Item 45208, the Board adopted the CEQA determination and all of the proposed water conservation policy principles presented in the letter signed by the Chief Executive Officer on January 20, 2003, with three detailed items added to support increased agricultural water use efficiency in the proposed policy principles as shown in the revised attachment to the Chief Executive Officer's letter.

By Minute Item 46192, the Board adopted the CEQA determination and authorized the Chief Executive Officer to express Metropolitan’s support of Senate Bill 820 (Kuehl, D-Santa Monica) regarding water planning, if it is amended, as described in the letter jointly signed by the General Counsel and the Interim Chief Executive Officer on April 6, 2005.

**Fiscal Impact**

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Some financial impact due to added staff time for certain additional reporting and notification requirements for completing urban water management plans.

  
Stephen N. Arakawa  
Manager, Water Resource Management

3/7/2007

Date

  
Jeffrey Kightlinger  
General Manager

3/7/2007

Date

**Attachment 1 – Senate Bill No. 178**

**Attachment 2 – Senate Bill No. 862**

BLA #5314

**SENATE BILL**

**No. 178**

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**Introduced by Senators Steinberg and Kuehl**

February 5, 2007

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An act to amend Section 12924 of, and to add Part 2.11 (commencing with Section 10920) to Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 178, as introduced, Steinberg. Groundwater.

(1) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill would establish a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by the Department of Water Resources as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin, as defined. The bill would require the department to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation information should be reported to the department. The bill would authorize the department to make recommendations for improving an existing monitoring program; require additional monitoring wells under certain circumstances; and require the department, under prescribed circumstances, to perform groundwater monitoring functions for those

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portions of a basin or a subbasin for which no monitoring entity has agreed to perform those functions under this program.

(2) Existing law requires the department to conduct an investigation of the state’s groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill, instead, would require the department to submit that report not later than January 1, 2010, and every 5 years thereafter.

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

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

1 SECTION 1. Part 2.11 (commencing with Section 10920) is  
2 added to Division 6 of the Water Code, to read:

3

4 PART 2.11. GROUNDWATER MONITORING

5

6 CHAPTER 1. GENERAL PROVISIONS

7

8 10920. (a) It is the intent of the Legislature that on or before  
9 January 1, 2010, groundwater elevations in all groundwater basins  
10 and subbasins be regularly and systematically monitored locally  
11 and that the resulting groundwater information be made readily  
12 and widely available.

13 (b) It is the intent of the Legislature that, if local groundwater  
14 interests are unable or unwilling to perform the monitoring  
15 functions described in this part, the department shall assume those  
16 monitoring functions and the department shall recover its costs for  
17 conducting the necessary monitoring from the local groundwater  
18 users.

19 (c) It is further the intent of the Legislature that the department  
20 continue to maintain its current network of monitoring wells,  
21 including groundwater elevation and groundwater quality  
22 monitoring wells, and that the department continue to coordinate  
23 monitoring with local entities.

24 10921. This part does not require the monitoring of  
25 groundwater elevations in an area that is not within a basin or  
26 subbasin.

1 10922. This part does not expand or otherwise affect the powers  
 2 or duties of the department relating to groundwater beyond those  
 3 expressly granted by this part.  
 4

5 CHAPTER 2. DEFINITIONS  
 6

7 10925. Unless the context otherwise requires, the definitions  
 8 set forth in this section govern the construction of this part.

9 (a) "Basin" or "subbasin" means a groundwater basin or  
 10 subbasin identified and defined in the department's Bulletin No.  
 11 118.

12 (b) "Bulletin No. 118" means the department's report entitled  
 13 "California's Groundwater: Bulletin 118" updated in 2003, or as  
 14 it may be subsequently updated or revised in accordance with  
 15 Section 12924.

16 (c) "Monitoring entity" means a party conducting or  
 17 coordinating the monitoring of groundwater elevations pursuant  
 18 to this part.

19 (d) "Monitoring functions" and "groundwater monitoring  
 20 functions" means the monitoring of groundwater elevations, the  
 21 reporting of those elevations to the department, and other related  
 22 actions required by this part.

23 (e) "Monitoring groundwater elevations" means monitoring  
 24 groundwater elevations, coordinating the monitoring of  
 25 groundwater elevations, or both.

26 (f) "Voluntary cooperative groundwater monitoring association"  
 27 means an association formed for the purposes of monitoring  
 28 groundwater elevations pursuant to Section 10935.  
 29

30 CHAPTER 3. GROUNDWATER MONITORING PROGRAM  
 31

32 10927. Any of the following entities may assume responsibility  
 33 for monitoring and reporting groundwater elevations in all or a  
 34 part of a basin or subbasin in accordance with this part:

35 (a) A watermaster or water management engineer appointed by  
 36 a court or pursuant to statute to administer a final judgment  
 37 determining rights to groundwater.

38 (b) (1) A groundwater management agency with statutory  
 39 authority to manage groundwater pursuant to its principle act that

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1 is monitoring groundwater elevations in all or a part of a  
2 groundwater basin or subbasin on or before January 1, 2008.

3 (2) A water replenishment district established pursuant to  
4 Division 18 (commencing with Section 60000). This part does not  
5 expand or otherwise affect the authority of a water replenishment  
6 district relating to monitoring groundwater elevations.

7 (c) A local agency that is managing all or part of a groundwater  
8 basin or subbasin pursuant to Part 2.75 (commencing with Section  
9 10750) and that was monitoring groundwater elevations in all or  
10 a part of a groundwater basin or subbasin on or before January 1,  
11 2008, or a local agency or county that is managing all or part of a  
12 groundwater basin or subbasin pursuant to any other legally  
13 enforceable groundwater management plan with provisions that  
14 are substantively similar to those described in that part and that  
15 was monitoring groundwater elevations in all or a part of a  
16 groundwater basin or subbasin on or before January 1, 2008.

17 (d) A local agency that is managing all or part of a groundwater  
18 basin or subbasin pursuant to an integrated regional water  
19 management plan prepared pursuant to Part 2.2 (commencing with  
20 Section 10530) that includes a groundwater management  
21 component that complies with the requirements of Section 10753.7.

22 (e) A county that is not managing all or a part of a groundwater  
23 basin or subbasin pursuant to a legally enforceable groundwater  
24 management plan with provisions that are substantively similar to  
25 those described in Part 2.75 (commencing with Section 10750).

26 (f) A voluntary cooperative groundwater monitoring association  
27 formed pursuant to Section 10935.

28 (g) The department pursuant to Section 10934.

29 10928. (a) Any entity described in subdivision (a) or (b) of  
30 Section 10927 that seeks to assume groundwater monitoring  
31 functions in accordance with this part shall notify the department,  
32 in writing, on or before January 1, 2009. The notification shall  
33 include all of the following information:

34 (1) The entity's name, address, telephone number, and any other  
35 relevant contact information.

36 (2) The specific authority described in Section 10927 pursuant  
37 to which the entity qualifies to assume the groundwater monitoring  
38 functions.

39 (3) A map showing the area for which the entity is requesting  
40 to perform the groundwater monitoring functions.

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1 (4) A statement that the entity will comply with all of the  
2 requirements of this part.

3 (b) Any entity described in subdivision (c), (d), (e), or (f) of  
4 Section 10927 that seeks to assume groundwater monitoring  
5 functions in accordance with this part shall notify the department,  
6 in writing, by January 1, 2009. The information provided in the  
7 notification shall include all of the following:

8 (1) The entity's name, address, telephone number, and any other  
9 relevant contact information.

10 (2) The specific authority described in Section 10927 pursuant  
11 to which the entity qualifies to assume the groundwater monitoring  
12 functions.

13 (3) For entities that seek to qualify pursuant to subdivision (c)  
14 or (d) of Section 10927, the notification shall also include a copy  
15 of the current groundwater management plan or the groundwater  
16 component of the integrated regional water management plan, as  
17 appropriate.

18 (4) For entities that seek to qualify pursuant to subdivision (f)  
19 of Section 10927, the notification shall include a statement of  
20 intention to meet the requirements of Section 10935.

21 (5) A map showing the area for which the entity is proposing  
22 to perform the groundwater monitoring functions.

23 (6) A statement that the entity will comply with all of the  
24 requirements of this part.

25 (7) A statement describing the ability and qualifications of the  
26 entity to conduct the groundwater monitoring functions required  
27 by this part.

28 (c) The department may request additional information that it  
29 deems necessary for the purposes of determining the area that is  
30 proposed to be monitored or the qualifications of the entity to  
31 perform the groundwater monitoring functions.

32 10929. (a) (1) The department shall review all notifications  
33 received pursuant to Section 10928.

34 (2) Upon the receipt of a notification pursuant to subdivision  
35 (a) of Section 10928, the department shall verify that the notifying  
36 entity has the appropriate authority under subdivision (a) or (b) of  
37 Section 10927.

38 (3) Upon the receipt of a notification pursuant to subdivision  
39 (b) of Section 10928, the department shall do both of the following:

40 (A) Verify that each notification is complete.

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1 (B) Assess the qualifications of the notifying party.

2 (b) If the department has questions about the completeness or  
3 accuracy of a notification, or the qualifications of a party, the  
4 department shall contact the party to resolve any deficiencies. If  
5 the department is unable to resolve the deficiencies, the department  
6 shall notify the party in writing that the notification will not be  
7 considered further until the deficiencies are corrected.

8 (c) If the department determines that more than one party seeks  
9 to become the monitoring entity for the same portion of a basin or  
10 subbasin, the department shall consult with the interested parties  
11 to determine which party will perform the monitoring functions.  
12 In determining which party will perform the monitoring functions  
13 under this part, the department shall follow the order in which  
14 entities are identified in Section 10927.

15 (d) The department shall advise each party on the status of its  
16 notification within three months of receiving the notification.

17 10930. Upon completion of each review pursuant to Section  
18 10929, the department shall do both of the following if it  
19 determines that a party will perform monitoring functions under  
20 this part:

21 (a) Notify the party in writing that it is a monitoring entity and  
22 the specific portion of the basin or subbasin for which it shall  
23 assume groundwater monitoring functions.

24 (b) Post on the department's Internet Web site information that  
25 identifies the monitoring entity and the portion of the basin or  
26 subbasin for which the monitoring entity will be responsible.

27 10931. (a) The department shall work cooperatively with each  
28 monitoring entity to determine the manner in which groundwater  
29 elevation information should be reported to the department pursuant  
30 to this part. In determining what information should be reported  
31 to the department, the department shall defer to existing monitoring  
32 programs if those programs result in information that demonstrates  
33 seasonal and long-term trends in groundwater elevations. The  
34 department shall collaborate with the State Department of Public  
35 Health to ensure that the information reported to the department  
36 will not result in the inappropriate disclosure of the physical  
37 address or geographical location of drinking water sources, storage  
38 facilities, pumping operational data, or treatment facilities.

1 (b) (1) For the purposes of this part, the department may  
2 recommend improvements to an existing monitoring program,  
3 including recommendations for additional monitoring wells.

4 (2) The department may not require additional monitoring wells  
5 unless funds are provided for that purpose.

6 10932. Monitoring entities shall commence monitoring and  
7 reporting groundwater elevations pursuant to this part on or before  
8 January 1, 2010.

9 10933. (a) On or before January 1, 2010, the department shall  
10 commence to identify the extent of monitoring of groundwater  
11 elevations that is being undertaken within each basin and subbasin.

12 (b) The department shall prioritize groundwater basins and  
13 subbasins for the purpose of implementing this section. In  
14 prioritizing the basins and subbasins, the department shall, to the  
15 extent data are available, consider all of the following:

16 (1) The population overlying the basin or subbasin.

17 (2) The rate of current and projected growth of the population  
18 overlying the basin or subbasin.

19 (3) The number of public supply wells that draw from the basin  
20 or subbasin.

21 (4) The total number of wells that draw from the basin or  
22 subbasin.

23 (5) The irrigated acreage overlying the basin or subbasin.

24 (6) The degree to which persons overlying the basin or subbasin  
25 rely on groundwater as their primary source of water.

26 (7) Any documented impacts on the groundwater within the  
27 basin or subbasin, including overdraft, subsidence, saline intrusion,  
28 and other water quality degradation.

29 (8) Any other information determined to be relevant by the  
30 department.

31 (c) If the department determines that all or part of a basin or  
32 subbasin is not being monitored pursuant to this part, the  
33 department shall do all of the following:

34 (1) Attempt to contact all well owners within the area not being  
35 monitored.

36 (2) Determine if there is an interest in establishing any of the  
37 following:

38 (A) A groundwater management plan pursuant to Part 2.75  
39 (commencing with Section 10750).

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1 (B) An integrated regional water management plan pursuant to  
2 Part 2.2 (commencing with Section 10530) that includes a  
3 groundwater management component that complies with the  
4 requirements of Section 10753.7.

5 (C) A voluntary groundwater monitoring association pursuant  
6 to Section 10935.

7 (d) If the department determines that there is sufficient interest  
8 in establishing a plan or association described in paragraph (2) of  
9 subdivision (c), or if the county agrees to perform the groundwater  
10 monitoring functions in accordance with this part, the department  
11 shall work cooperatively with the interested parties to comply with  
12 the requirements of this part within two years.

13 (e) If the department determines, with regard to a basin or  
14 subbasin, that there is insufficient interest in establishing a plan  
15 or association described in paragraph (2) of subdivision (c), and  
16 if the county decides not to perform the groundwater monitoring  
17 and reporting functions of this part, the department shall do all of  
18 the following:

19 (1) Identify any existing monitoring wells that overly the basin  
20 or subbasin that are owned or operated by the department or any  
21 other state or federal agency.

22 (2) Determine whether the monitoring wells identified pursuant  
23 to paragraph (1) provide sufficient information to demonstrate  
24 seasonal and long-term trends in groundwater elevations.

25 (3) If the department determines that the monitoring wells  
26 identified pursuant to paragraph (1) provide sufficient information  
27 to demonstrate seasonal and long-term trends in groundwater  
28 elevations, the department shall not perform groundwater  
29 monitoring functions pursuant to Section 10934.

30 (4) If the department determines that the monitoring wells  
31 identified pursuant to paragraph (1) provide insufficient  
32 information to demonstrate seasonal and long-term trends in  
33 groundwater elevations, and the State Mining and Geology Board  
34 concurs with that determination, the department shall perform  
35 groundwater monitoring functions pursuant to Section 10934.

36 10934. (a) Consistent with Section 10933, the department shall  
37 perform the groundwater monitoring functions for those portions  
38 of a basin or subbasin for which no monitoring entity has agreed  
39 to perform the groundwater monitoring functions.

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1 (b) Upon determining that it is required to perform groundwater  
2 monitoring functions, the department shall notify both of the  
3 following entities that it is forming the groundwater monitoring  
4 district:

5 (1) Each well owner within the affected area.

6 (2) Each county that contains all or a part of the affected area.

7 (c) The department shall impose a charge on each well owner  
8 for its share of the costs of the department to perform the  
9 groundwater monitoring required under this part.

10 (d) The department shall not assess a fee or charge to recover  
11 the costs for carrying out its power and duties under this part except  
12 as provided in subdivision (c).

13 (e) The department may establish regulations to implement this  
14 section.

15 10935. (a) A voluntary cooperative groundwater monitoring  
16 association may be formed for the purposes of monitoring  
17 groundwater elevations in accordance with this part. The  
18 association may be established by contract, a joint powers  
19 agreement, a memorandum of agreement, or other form of  
20 agreement deemed acceptable by the department.

21 (b) Upon notification to the department by one or more entities  
22 that seek to form a voluntary cooperative groundwater monitoring  
23 association, the department shall work cooperatively with the  
24 interested parties to facilitate the formation of the association.

25 (c) The contract or agreement shall include all of the following:

26 (1) The names of the participants.

27 (2) The boundaries of the area covered by the agreement.

28 (3) The name or names of the parties responsible for meeting  
29 the requirements of this part.

30 (4) The method of recovering the costs associated with meeting  
31 the requirements of this part.

32 (5) Other provisions that may be required by the department.

33 SEC. 2. Section 12924 of the Water Code is amended to read:

34 12924. (a) The department shall, in conjunction with other  
35 public agencies, *shall* conduct an investigation of the state's  
36 groundwater basins. The department shall identify the state's  
37 groundwater basins on the basis of geological and hydrological  
38 conditions and consideration of political boundary lines whenever  
39 practical. The department shall also investigate existing general  
40 patterns of groundwater pumping and groundwater recharge within

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- 1 such basins to the extent necessary to identify basins ~~which~~ *that*
- 2 are subject to critical conditions of overdraft.
- 3 (b) The department shall report its findings to the Governor and
- 4 the Legislature not later than January 1, ~~1980~~ *2010, and thereafter*
- 5 *in years ending in 5 and 0.*

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**SENATE BILL**

**No. 862**

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**Introduced by Senators Kuehl and Steinberg**

February 23, 2007

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An act to amend Sections 5101, 5107, 10004.5, 10004.6, 10620, 10631, 10642, 10644, 10645, 10656, and 10753.7 of, to add Section 142 to, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 862, as introduced, Kuehl. Water resources.

(1) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2009, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

(2) Existing law, except as specified, requires each person who, after December 31, 1965, diverts water to file with the State Water Resources Control Board, before July 1 of the succeeding year, a statement of diversion and use. Under existing law, the making of any willful misstatement regarding statements of diversion or use is a misdemeanor and any person who makes a material misstatement under these provisions may be civilly liable. Under existing law, statements filed pursuant to those provisions are for informational purposes only, and, except as specified, neither the failure to file a statement nor any error in the information filed have any legal consequences.

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This bill would exempt from these requirements diversions covered by a registration of appropriation for small domestic or livestock stockpond uses that are on file with the state board, specified diversions by the department from state water facilities, and certain diversions that occurred before January 1, 2008.

The bill would expand the civil liability provision to apply to any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2007. The bill would also make any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2008, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

(3) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. Existing law requires the department to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion of specified topics.

This bill would require a plan that is due on or after December 31, 2013, to include a discussion of the amount of energy both produced by, and required by, each strategy, during peak and nonpeak use, that may be pursued to meet the future water needs of the state, and would require the department to release certain information regarding the amount of energy both produced by, and required to provide, current and projected water supplies.

(4) Existing law requires every urban water supplier to prepare and adopt an urban water management plan, and to coordinate the preparation of the plan with other appropriate agencies. Existing law requires an urban water supplier to submit a copy of its plan to certain entities.

This bill would include public utilities that provide electric or gas service among those coordinating agencies. The bill would require a plan to quantify the amount of energy both produced and required by certain existing and planned water sources and, with regard to a cost-benefit analysis for water demand management measures, to include energy costs and benefits of conserved water during periods of peak and nonpeak use. The bill would revise requirements relating to the provision of public notice with regard to the preparation and adoption of an urban water management plan. The bill would require an urban water supplier to submit a copy of its plan to additional entities.

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(5) Under existing law, if an urban water supplier fails to prepare, adopt, and submit an urban water management plan, it is ineligible for certain bond funds and drought assistance until it does so.

This bill would make an urban water supplier that fails to prepare, adopt, and submit an urban water management plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority until it does so.

(6) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, except as specified, would require a local agency to update the plan on or before December 31, 2008, and every 5 years thereafter. The bill would require a local agency to submit a copy of its plan to specified entities not later than 30 days after the date of its adoption. By establishing requirements on a local agency, the bill would impose a state-mandated local program.

(7) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That existing law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2010. The bill would delete the definition of “agricultural water supplier” or “supplier” and would, instead, require the department to conduct a survey of entities that supply water for agricultural purposes to gather data, and recommend the appropriate minimum size of a water agency that should prepare an agricultural water management plan. The bill would require the department to report its findings and recommendations, in writing, to the Governor and the Legislature before January 1, 2009. The bill would state the intent of the Legislature to respond to the department’s report, and enact legislation defining the term “agricultural water supplier.”

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The bill would require every person that becomes an agricultural water supplier after December 31, 2011, to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. The bill would require an agricultural water supplier to update the plan, submit the plan to the department and other entities, and make the plan available in a specified manner. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority.

(8) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 142 is added to the Water Code, to read:  
2 142. Commencing in 2009, and every two years thereafter, the  
3 department shall prepare and deliver to all State Water Project  
4 contractors, all city and county planning departments, and all  
5 regional and metropolitan planning departments within the project  
6 service area, a report that accurately sets forth, under a range of  
7 hydrologic conditions, the then-existing overall delivery capability  
8 of the project facilities and the allocation of that capacity to each  
9 contractor. The range of hydrologic conditions shall include the  
10 historic extended dry cycle and the long-term average. The biennial  
11 report shall also disclose, for each of the 10 years immediately  
12 preceding the report, the total amount of project water delivered  
13 and the amount of project water delivered to each contractor. The  
14 information presented in each report shall be presented in a manner  
15 readily understandable by the public.

16 SEC. 2. Section 5101 of the Water Code is amended to read:  
17 5101. Each person who, after December 31, 1965, diverts water  
18 shall file with the board, prior to July 1 of the succeeding year, a

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1 statement of his *or her* diversion and use; ~~provided, however, that~~  
2 ~~no~~. A statement need *not* be filed if the diversion is any of the  
3 following:

4 (a) From a spring ~~which~~ *that* does not flow off the property on  
5 which it is located.

6 (b) Covered by ~~an application~~, a permit or license to appropriate  
7 water, *or a registration of appropriation for small domestic or*  
8 *livestock stockpond uses*, on file with the board.

9 (c) Included in a notice filed pursuant to Part 5 (commencing  
10 with Section 4999) ~~of this division~~.

11 (d) Regulated by a watermaster appointed by the department.

12 (e) ~~Reported by the department in its hydrologic data bulletins.~~

13 (f) ~~Included in the consumptive use data for the delta lowlands~~  
14 ~~published by the department in its hydrologic data bulletins.~~

15 (g)

16 (e) Included in annual reports filed with a court or the board by  
17 a watermaster appointed by a court or pursuant to statute to  
18 administer a final judgment determining rights to water, which  
19 reports identify the persons who have diverted water and give the  
20 general place of use and the quantity of water ~~which~~ *that* has been  
21 diverted from each source.

22 (h)

23 (f) For use in compliance with ~~the provisions of~~ Article 2.5  
24 (commencing with Section 1226) of Chapter 1 of Part 2 ~~of this~~  
25 ~~division~~.

26 (g) *A diversion by the department from state water facilities to*  
27 *satisfy prior rights as reported in the department's annual bulletin*  
28 *132, entitled "Management of the California State Water Project."*

29 (h) *A diversion that occurs before January 1, 2008, if any of*  
30 *the following applies:*

31 (1) *The diversion is covered by an application to appropriate*  
32 *water on file with the board.*

33 (2) *The diversion is reported by the department in its hydrologic*  
34 *data bulletins.*

35 (3) *The diversion is included in the consumptive use data for*  
36 *the delta lowlands published by the department in its hydrologic*  
37 *data bulletins.*

38 SEC. 3. Section 5107 of the Water Code is amended to read:

39 5107. (a) The making of any willful misstatement pursuant to  
40 this part is a misdemeanor punishable by a fine not exceeding one

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1 thousand dollars (\$1,000) or by imprisonment in the county jail  
 2 for not to exceed six months, or both.

3 (b) Any person who *fails to file a statement required to be filed*  
 4 *under this part for a diversion or use that occurs on or after*  
 5 *January 1, 2007, or who makes a material misstatement pursuant*  
 6 *to this part may be liable civilly as provided in subdivision (c).*  
 7 *Nothing in this subdivision or in subdivision (c) shall be construed*  
 8 *to prevent the board from issuing a warning upon the first offense.*

9 (c) Civil liability may be administratively imposed by the board  
 10 pursuant to Section 1055 in an amount not to exceed five hundred  
 11 dollars (\$500) for each violation. In determining the appropriate  
 12 amount, the board shall consider all relevant circumstances,  
 13 including, but not limited to, all of the following factors:

14 (1) *The circumstances that led to the violation.*

15 (2) The extent of harm caused by the violation.

16 ~~(2)~~

17 (3) The nature and persistence of the violation.

18 ~~(3)~~

19 (4) The length of time over which the violation occurs.

20 ~~(4)~~

21 (5) Any corrective action undertaken by the violator.

22 (d) All funds recovered pursuant to this section shall be  
 23 deposited in the Water Rights Fund established pursuant to Section  
 24 1550.

25 (e) *Any person who fails to file a statement required to be filed*  
 26 *under this part for a diversion or use that occurs on or after*  
 27 *January 1, 2008, is ineligible for funds made available pursuant*  
 28 *to any program administered by the board, the department, or the*  
 29 *California Bay-Delta Authority.*

30 SEC. 4. Section 10004.5 of the Water Code is amended to read:

31 10004.5. As part of the requirement of the department to update  
 32 ~~The the~~ California Water Plan pursuant to subdivision (b) of  
 33 Section 10004, the department shall include in the plan a discussion  
 34 of ~~various~~ *all of the following:*

35 (a) *Various strategies, including, but not limited to, those*  
 36 *relating to the development of new water storage facilities, water*  
 37 *conservation, water recycling, desalination, conjunctive use, and*  
 38 *water transfers that may be pursued in order to meet the future*  
 39 *water needs of the state.* ~~The department shall also include a~~  
 40 ~~discussion of the~~

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1 (b) For a plan that is due on or after December 31, 2013, the  
2 amount of energy both produced by, and required by, each strategy  
3 during periods of both peak and nonpeak use, including  
4 consideration of the costs and benefits of the energy both produced  
5 and required by each strategy.

6 (c) The potential for alternative water pricing policies to change  
7 current and projected uses. ~~The department shall include in the~~  
8 ~~plan a discussion of the~~

9 (d) The potential advantages and disadvantages of each strategy  
10 and an identification of all federal and state permits, approvals, or  
11 entitlements that are anticipated to be required in order to  
12 implement the various components of the strategy.

13 SEC. 5. Section 10004.6 of the Water Code is amended to read:

14 10004.6. (a) As part of updating ~~The~~ *the* California Water Plan  
15 every five years pursuant to subdivision (b) of Section 10004, the  
16 department shall conduct a study to determine the amount of water  
17 needed to meet the state's future needs and to recommend  
18 programs, policies, and facilities to meet those needs.

19 (b) The department shall consult with the advisory committee  
20 established pursuant to subdivision (b) of Section 10004 in carrying  
21 out this section.

22 (c) ~~On or before January 1, 2002, and one~~ *One* year prior to  
23 issuing each successive update to ~~The~~ *the* California Water Plan,  
24 the department shall release a preliminary draft of the assumptions  
25 and other estimates upon which the study will be based, to  
26 interested persons and entities throughout the state for their review  
27 and comments. The department shall provide these persons and  
28 entities an opportunity to present written or oral comments on the  
29 preliminary draft. The department shall consider these documents  
30 when adopting the final assumptions and estimates for the study.  
31 For the purpose of carrying out this subdivision, the department  
32 shall release, at a minimum, assumptions and other estimates  
33 relating to all of the following:

34 (1) Basin hydrology, including annual rainfall, estimated  
35 unimpaired stream flow, depletions, and consumptive uses.

36 (2) Groundwater supplies, including estimates of sustainable  
37 yield, supplies necessary to recover overdraft basins, and supplies  
38 lost due to pollution and other groundwater contaminants.

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- 1 (3) Current and projected land use patterns, including the mix
- 2 of residential, commercial, industrial, agricultural, and undeveloped
- 3 lands.
- 4 (4) Environmental water needs, including regulatory instream
- 5 flow requirements, nonregulated instream uses, and water needs
- 6 by wetlands, preserves, refuges, and other managed and unmanaged
- 7 natural resource lands.
- 8 (5) Current and projected population.
- 9 (6) Current and projected water use for all of the following:
- 10 (A) Interior uses in a single-family dwelling.
- 11 (B) Exterior uses in a single-family dwelling.
- 12 (C) All uses in a multifamily dwelling.
- 13 (D) Commercial uses.
- 14 (E) Industrial uses.
- 15 (F) Parks and open spaces.
- 16 (7) Evapotranspiration rates for major crop types, including
- 17 estimates of evaporative losses by irrigation practice and the extent
- 18 to which evaporation reduces transpiration.
- 19 (8) Current and projected adoption of urban and agricultural
- 20 conservation practices.
- 21 (9) Current and projected supplies of water provided by water
- 22 recycling and reuse.
- 23 *(10) For a preliminary draft of the assumptions and other*
- 24 *estimates due on or after December 31, 2012, the amount of energy*
- 25 *both produced by and required to provide current and projected*
- 26 *water supplies during periods of both peak and nonpeak use,*
- 27 *including consideration of the costs and benefits of the energy both*
- 28 *produced and required by the current and projected water supplies.*
- 29 (d) The department shall include a discussion of the potential
- 30 for alternative water pricing policies to change current and
- 31 projected water uses identified pursuant to paragraph (6) of
- 32 subdivision (c).
- 33 (e) Nothing in this section requires or prohibits the department
- 34 from updating any data necessary to update ~~The~~ *the* California
- 35 Water Plan pursuant to subdivision (b) of Section 10004.
- 36 SEC. 6. Section 10620 of the Water Code is amended to read:
- 37 10620. (a) Every urban water supplier shall prepare and adopt
- 38 an urban water management plan in the manner set forth in Article
- 39 3 (commencing with Section 10640).

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1 (b) Every person that becomes an urban water supplier shall  
2 adopt an urban water management plan within one year after it  
3 has become an urban water supplier.

4 (c) An urban water supplier indirectly providing water shall not  
5 include planning elements in its water management plan as  
6 provided in Article 2 (commencing with Section 10630) that would  
7 be applicable to urban water suppliers or public agencies directly  
8 providing water, or to their customers, without the consent of those  
9 suppliers or public agencies.

10 (d) (1) An urban water supplier may satisfy the requirements  
11 of this part by participation in areawide, regional, watershed, or  
12 basinwide-~~urban~~ water management planning where those plans  
13 will reduce preparation costs and contribute to the achievement of  
14 conservation and efficient water use.

15 (2) Each urban water supplier shall coordinate the preparation  
16 of its plan with other appropriate agencies in the area, including  
17 other water suppliers that share a common source, water  
18 management agencies, *public utilities that provide electric or gas*  
19 *service*, and *other* relevant public agencies, to the extent  
20 practicable.

21 (e) The urban water supplier may prepare the plan with its own  
22 staff, by contract, or in cooperation with other governmental  
23 agencies.

24 (f) An urban water supplier shall describe in the plan water  
25 management tools and options used by that entity that will  
26 maximize resources, *improve water supply reliability*, and  
27 minimize the need to import water from other regions.

28 SEC. 7. Section 10631 of the Water Code is amended to read:  
29 10631. A plan shall be adopted in accordance with this chapter  
30 and shall do all of the following:

31 (a) Describe the service area of the supplier, including current  
32 and projected population, climate, and other demographic factors  
33 affecting the supplier's water management planning. The projected  
34 population estimates shall be based upon data from the state,  
35 regional, or local service agency population projections within the  
36 service area of the urban water supplier and shall be in five-year  
37 increments to 20 years or as far as data is available.

38 (b) Identify and quantify, to the extent practicable, the existing  
39 and planned sources of water available to the supplier over the  
40 same five-year increments described in subdivision (a). If

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1 groundwater is identified as an existing or planned source of water  
2 available to the supplier, all of the following information shall be  
3 included in the plan:

4 (1) A copy of any groundwater management plan adopted by  
5 the urban water supplier, including plans adopted pursuant to Part  
6 2.75 (commencing with Section 10750), or any other specific  
7 authorization for groundwater management.

8 (2) A description of any groundwater basin or basins from which  
9 the urban water supplier pumps groundwater. For those basins for  
10 which a court or the board has adjudicated the rights to pump  
11 groundwater, a copy of the order or decree adopted by the court  
12 or the board and a description of the amount of groundwater the  
13 urban water supplier has the legal right to pump under the order  
14 or decree. For basins that have not been adjudicated, information  
15 as to whether the department has identified the basin or basins as  
16 overdrafted or has projected that the basin will become overdrafted  
17 if present management conditions continue, in the most current  
18 official departmental bulletin that characterizes the condition of  
19 the groundwater basin, and a detailed description of the efforts  
20 being undertaken by the urban water supplier to eliminate the  
21 long-term overdraft condition.

22 (3) A detailed description and analysis of the location, amount,  
23 and sufficiency of groundwater pumped by the urban water supplier  
24 for the past five years. The description and analysis shall be based  
25 on information that is reasonably available, including, but not  
26 limited to, historic use records.

27 (4) A detailed description and analysis of the amount and  
28 location of groundwater that is projected to be pumped by the  
29 urban water supplier. The description and analysis shall be based  
30 on information that is reasonably available, including, but not  
31 limited to, historic use records.

32 (c) (1) Describe the reliability of the water supply and  
33 vulnerability to seasonal or climatic shortage, to the extent  
34 practicable, and provide data for each of the following:

35 (A) An average water year.

36 (B) A single dry water year.

37 (C) Multiple dry water years.

38 (2) For any water source that may not be available at a consistent  
39 level of use, given specific legal, environmental, water quality, or  
40 climatic factors, describe plans to supplement or replace that source

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1 with alternative sources or water demand management measures,  
2 to the extent practicable.

3 (d) Describe the opportunities for exchanges or transfers of  
4 water on a short-term or long-term basis.

5 (e) *Quantify the amount of energy both produced by, and*  
6 *required by, each existing and planned water source identified in*  
7 *subdivisions (b) and (d) during periods of both peak and nonpeak*  
8 *use, including consideration of the costs and benefits of the energy*  
9 *both produced by, and required by, each source.*

10 (e)

11 (f) (1) Quantify, to the extent records are available, past and  
12 current water use, over the same five-year increments described  
13 in subdivision (a), and projected water use, identifying the uses  
14 among water use sectors, including, but not necessarily limited to,  
15 all of the following uses:

16 (A) Single-family residential.

17 (B) Multifamily.

18 (C) Commercial.

19 (D) Industrial.

20 (E) Institutional and governmental.

21 (F) Landscape.

22 (G) Sales to other agencies.

23 (H) Saline water intrusion barriers, groundwater recharge, or  
24 conjunctive use, or any combination thereof.

25 (I) Agricultural.

26 (2) The water use projections shall be in the same five-year  
27 increments described in subdivision (a).

28 (f)

29 (g) Provide a description of the supplier's water demand  
30 management measures. This description shall include all of the  
31 following:

32 (1) A description of each water demand management measure  
33 that is currently being implemented, or scheduled for  
34 implementation, including the steps necessary to implement any  
35 proposed measures, including, but not limited to, all of the  
36 following:

37 (A) Water survey programs for single-family residential and  
38 multifamily residential customers.

39 (B) Residential plumbing retrofit.

40 (C) System water audits, leak detection, and repair.

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- 1 (D) Metering with commodity rates for all new connections and
- 2 retrofit of existing connections.
- 3 (E) Large landscape conservation programs and incentives.
- 4 (F) High-efficiency washing machine rebate programs.
- 5 (G) Public information programs.
- 6 (H) School education programs.
- 7 (I) Conservation programs for commercial, industrial, and
- 8 institutional accounts.
- 9 (J) Wholesale agency programs.
- 10 (K) Conservation pricing.
- 11 (L) Water conservation coordinator.
- 12 (M) Water waste prohibition.
- 13 (N) Residential ultra-low-flush toilet replacement programs.
- 14 (2) A schedule of implementation for all water demand
- 15 management measures proposed or described in the plan.
- 16 (3) A description of the methods, if any, that the supplier will
- 17 use to evaluate the effectiveness of water demand management
- 18 measures implemented or described under the plan.
- 19 (4) An estimate, if available, of existing conservation savings
- 20 on water use within the supplier's service area, and the effect of
- 21 the savings on the supplier's ability to further reduce demand.
- 22 ~~(g)~~
- 23 (h) An evaluation of each water demand management measure
- 24 listed in paragraph (1) of subdivision-~~(f)~~ (g) that is not currently
- 25 being implemented or scheduled for implementation. In the course
- 26 of the evaluation, first consideration shall be given to water demand
- 27 management measures, or combination of measures, that offer
- 28 lower incremental costs than expanded or additional water supplies.
- 29 This evaluation shall do all of the following:
- 30 (1) Take into account economic and noneconomic factors,
- 31 including environmental, social, health, customer impact, and
- 32 technological factors.
- 33 (2) Include a cost-benefit analysis, identifying total benefits and
- 34 total costs, *including, but not limited to, the energy costs and*
- 35 *benefits of conserved water during periods of peak and nonpeak*
- 36 *use.*
- 37 (3) Include a description of funding available to implement any
- 38 planned water supply project that would provide water at a higher
- 39 unit cost.

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1 (4) Include a description of the water supplier's legal authority  
2 to implement the measure and efforts to work with other relevant  
3 agencies to ensure the implementation of the measure and to share  
4 the cost of implementation.

5 ~~(h)~~

6 (i) Include a description of all water supply projects and water  
7 supply programs that may be undertaken by the urban water  
8 supplier to meet the total projected water use as established  
9 pursuant to subdivision (a) of Section 10635, *including a discussion*  
10 *of supply sources and management programs considered but*  
11 *rejected and the extent to which the urban water supplier has*  
12 *diversified its sources of supply as a means to improve overall*  
13 *reliability*. The urban water supplier shall include a detailed  
14 description of expected future projects and programs, other than  
15 the demand management programs identified pursuant to paragraph  
16 (1) of subdivision ~~(f)~~ (g), that the urban water supplier may  
17 implement to increase the amount, *improve the reliability, or*  
18 *improve the quality*, of the water supply available to the urban  
19 water supplier in average, single-dry, and multiple-dry water years.  
20 The description shall identify specific projects and include a  
21 description of the increase in *the amount of water supply,*  
22 *improvements to water quality, if any, and the planned reliability*  
23 *of the supply* that is expected to be available from each project.  
24 The description shall include an estimate with regard to the  
25 implementation timeline for each project or program.

26 ~~(i)~~

27 (j) Describe the opportunities for development of desalinated  
28 water, including, but not limited to, ocean water, brackish water,  
29 and groundwater, as a long-term supply.

30 ~~(j)~~

31 (k) Urban water suppliers that are members of the California  
32 Urban Water Conservation Council and submit annual reports to  
33 that council in accordance with the "Memorandum of  
34 Understanding Regarding Urban Water Conservation in  
35 California," dated September 1991, may submit the annual reports  
36 identifying water demand management measures currently being  
37 implemented, or scheduled for implementation, *if those reports*  
38 *document measures that are consistent with the requirements of*  
39 *that memorandum*, to satisfy the requirements of subdivisions ~~(f)~~  
40 (g) and ~~(g)~~ (h).

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1     ~~(k)~~

2     (l) Urban water suppliers that rely upon a wholesale agency for  
3 a source of water shall provide the wholesale agency with water  
4 use projections from that agency for that source of water in  
5 five-year increments to 20 years or as far as data is available. The  
6 wholesale agency shall provide information to the urban water  
7 supplier for inclusion in the urban water supplier's plan that  
8 identifies and quantifies, to the extent practicable, the existing and  
9 planned sources of water as required by subdivision (b), available  
10 from the wholesale agency to the urban water supplier over the  
11 same five-year increments, and during various water-year types  
12 in accordance with subdivision (c). An urban water supplier may  
13 rely upon water supply information provided by the wholesale  
14 agency in fulfilling the plan informational requirements of  
15 subdivisions (b) and (c).

16     SEC. 8. Section 10642 of the Water Code is amended to read:

17     10642. (a) Each urban water supplier shall encourage the active  
18 involvement of diverse social, cultural, and economic elements of  
19 the population within the service area prior to and during the  
20 preparation of the plan. ~~Prior to adopting a plan, the urban water~~  
21 ~~supplier shall make the plan available for public inspection and~~  
22 ~~shall hold a public hearing thereon. Prior to the hearing, notice of~~  
23 ~~the time and place of hearing shall be published within the~~  
24 ~~jurisdiction of the publicly owned water supplier pursuant to~~  
25 ~~Section 6066 of the Government Code. The urban water supplier~~  
26 ~~shall provide notice of the time and place of hearing to any city or~~  
27 ~~county within which the supplier provides water supplies. A~~  
28 ~~privately owned water supplier shall provide an equivalent notice~~  
29 ~~within its service area. After the hearing, the plan shall be adopted~~  
30 ~~as prepared or as modified after the hearing.~~

31     *Before adopting the plan, the urban water supplier shall do all*  
32 *of the following:*

33     (1) *Publish notice of the availability for review of a proposed*  
34 *plan one time in a newspaper of general circulation in the*  
35 *jurisdiction of the urban water supplier and by first-class mail to*  
36 *organizations and individuals who have previously requested*  
37 *notice in writing. The notice shall also set forth the dates of the*  
38 *public review period for the proposed plan; the date, time, and*  
39 *place of a scheduled public meeting to receive input concerning*  
40 *the contents of the plan; and the date, time, and place of a*

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1 *scheduled public hearing at which the adoption of the proposed*  
2 *plan will be considered.*

3 (2) *Provide a public review period for the proposed plan of not*  
4 *less than 30 days.*

5 (3) *Hold a public meeting during the noticed public review*  
6 *period.*

7 (4) *Provide notice of the time and place of the plan adoption*  
8 *hearing to the legislative body of any city or county within which*  
9 *the supplier provides water supplies. A privately owned water*  
10 *supplier shall provide an equivalent notice within its service area.*  
11 *After the hearing, the plan shall be adopted as prepared or as*  
12 *modified after the hearing.*

13 (b) *Before the adoption of the plan, an urban water supplier*  
14 *shall evaluate and respond only to those written comments it*  
15 *receives during the noticed public review period. The responses*  
16 *shall describe the disposition of each significant issue raised by*  
17 *commenters that is properly the subject of the plan. If an urban*  
18 *water supplier does not make revisions in response to a comment*  
19 *or group of similar comments raising a major issue on which the*  
20 *supplier's position is at variance with the recommendations or*  
21 *objections raised in the comment, the supplier shall state the*  
22 *reasons therefor, or determine that the comment or comments do*  
23 *not raise issues that are relevant to the subject of the plan.*  
24 *Revisions or responses may be set forth in a separate section of,*  
25 *or appendix to, the plan.*

26 (c) *Once a plan has been adopted in accordance with*  
27 *subdivision (a), a plan may be amended or changed at any time*  
28 *within the five-year update period, if the requirements described*  
29 *in subdivision (b) of Section 10621 are met and a public hearing*  
30 *is held to consider those amendments or changes.*

31 SEC. 9. Section 10644 of the Water Code is amended to read:

32 10644. (a) An urban water supplier shall submit to the  
33 ~~department, the California State Library, and any city or county~~  
34 ~~within which the supplier provides water supplies~~ *entities listed*  
35 *in subdivision (b)* a copy of its plan no later than 30 days after  
36 adoption. Copies of amendments or changes to the plans shall be  
37 submitted to the ~~department, the California State Library, and any~~  
38 ~~city or county within which the supplier provides water supplies~~  
39 *entities listed in subdivision (b)* within 30 days after adoption.

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1 (b) *An urban water supplier shall file a copy of its plan and*  
 2 *amendments or changes with each of the following entities:*

3 (1) *The department.*

4 (2) *Any city or county within which the urban water supplier*  
 5 *provides water supplies.*

6 (3) *Any groundwater management entity within which the urban*  
 7 *water supplier extracts or provides water supplies.*

8 (4) *Any agricultural water supplier within which district the*  
 9 *urban water supplier provides water supplies.*

10 (5) *Any city or county library within which district the urban*  
 11 *water supplier provides water supplies.*

12 (6) *The California State Library.*

13 (7) *Any local agency formation commission within which county*  
 14 *the urban water supplier provides water supplies.*

15 (c) *The department shall prepare and submit to the Legislature,*  
 16 *on or before December 31, in the years ending in six and or one,*  
 17 *a report summarizing the status of the plans adopted pursuant to*  
 18 *this part. The report prepared by the department shall identify the*  
 19 *outstanding elements of the individual plans. The department shall*  
 20 *provide a copy of the report to each urban water supplier that has*  
 21 *submitted its plan to the department. The department shall also*  
 22 *prepare reports and provide data for any legislative hearings*  
 23 *designed to consider the effectiveness of plans submitted pursuant*  
 24 *to this part.*

25 SEC. 10. Section 10645 of the Water Code is amended to read:

26 10645. (a) ~~Not later than 30 days after filing a copy of adopting~~  
 27 ~~its plan with the department, the urban water supplier and the~~  
 28 ~~department shall make the plan available for public review during~~  
 29 ~~normal business hours on the Internet Web site of the urban water~~  
 30 ~~supplier.~~

31 (b) *An urban water supplier that does not have an Internet Web*  
 32 *site shall submit to the department, not later than 30 days after*  
 33 *the date of the adoption of its plan, a copy of the adopted plan in*  
 34 *an electronic format. The department shall make the plan available*  
 35 *for public review by means of the department's Internet Web site.*

36 SEC. 11. Section 10656 of the Water Code is amended to read:

37 10656. An urban water supplier that does not prepare, adopt,  
 38 and submit its urban water management plan to the department in  
 39 accordance with this part, is ineligible to receive ~~funding funds~~  
 40 ~~made available pursuant to Division 24 (commencing with Section~~

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1 ~~78500) or Division 26 (commencing with Section 79000), or~~  
2 ~~receive drought assistance from the state any program administered~~  
3 ~~by the board, the department, or the California Bay-Delta~~  
4 ~~Authority, until the urban water management plan is submitted~~  
5 ~~pursuant to this article.~~

6 SEC. 12. Section 10753.7 of the Water Code is amended to  
7 read:

8 10753.7. (a) For the purposes of qualifying as a groundwater  
9 management plan under this section, a plan shall contain the  
10 components that are set forth in this section. In addition to the  
11 requirements of a specific funding program, any local agency  
12 seeking state funds administered by the department, *the board, or*  
13 *the California Bay-Delta Authority* for the construction of  
14 groundwater projects or groundwater quality projects, excluding  
15 programs that are funded under Part 2.78 (commencing with  
16 Section 10795), shall do all of the following:

17 (1) Prepare and implement a groundwater management plan  
18 that includes basin management objectives for the groundwater  
19 basin that is subject to the plan. The plan shall include components  
20 relating to the monitoring and management of groundwater levels  
21 within the groundwater basin, groundwater quality degradation,  
22 inelastic land surface subsidence, and changes in surface flow and  
23 surface water quality that directly affect groundwater levels or  
24 quality or are caused by groundwater pumping in the basin.

25 (2) For the purposes of carrying out paragraph (1), the local  
26 agency shall prepare a plan to involve other agencies that enables  
27 the local agency to work cooperatively with other public entities  
28 whose service area or boundary overlies the groundwater basin.

29 (3) For the purposes of carrying out paragraph (1), the local  
30 agency shall prepare a map that details the area of the groundwater  
31 basin, as defined in the department's Bulletin No. 118, and the  
32 area of the local agency, that will be subject to the plan, as well  
33 as the boundaries of other local agencies that overlie the basin in  
34 which the agency is developing a groundwater management plan.

35 (4) The local agency shall adopt monitoring protocols that are  
36 designed to detect changes in groundwater levels, groundwater  
37 quality, inelastic surface subsidence for basins for which  
38 subsidence has been identified as a potential problem, and flow  
39 and quality of surface water that directly affect groundwater levels  
40 or quality or are caused by groundwater pumping in the basin. The

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1 monitoring protocols shall be designed to generate information  
2 that promotes efficient and effective groundwater management.

3 (5) Local agencies that are located in areas outside the  
4 groundwater basins delineated on the latest edition of the  
5 department's groundwater basin and subbasin map shall prepare  
6 groundwater management plans incorporating the components in  
7 this subdivision, and shall use geologic and hydrologic principles  
8 appropriate to those areas.

9 (6) (A) *The local agency shall update the plan on or before*  
10 *December 31, 2008, and every five years thereafter. For the*  
11 *purpose of carrying out this subparagraph, the local agency shall*  
12 *evaluate the progress made in achieving the adopted basin*  
13 *management objectives, identify successes and shortcomings in*  
14 *meeting those objectives, revise the basin management objectives*  
15 *as appropriate, and develop a plan to achieve the basin*  
16 *management objectives as they may or may not be revised. The*  
17 *updated plans are due on or before December 31 in years ending*  
18 *in three or eight.*

19 (B) *Notwithstanding subparagraph (A), a local agency is not*  
20 *required to update a groundwater management plan on or before*  
21 *December 31, 2008, if its plan was adopted on or after January*  
22 *1, 2004.*

23 (b) (1) (A) A local agency may receive state funds administered  
24 by the department for the construction of groundwater projects or  
25 for other projects that directly affect groundwater levels or quality  
26 if it prepares and implements, participates in, or consents to be  
27 subject to, a groundwater management plan, a basinwide  
28 management plan, or other integrated regional water management  
29 program or plan that meets, or is in the process of meeting, the  
30 requirements of subdivision (a). A local agency with an existing  
31 groundwater management plan that meets the requirements of  
32 subdivision (a), or a local agency that completes an upgrade of its  
33 plan to meet the requirements of subdivision (a) within one year  
34 of applying for funds, shall be given priority consideration for state  
35 funds administered by the department over local agencies that are  
36 in the process of developing a groundwater management plan. The  
37 department shall withhold funds from the project until the upgrade  
38 of the groundwater management plan is complete.

39 (B) *Notwithstanding subparagraph (A), a local agency that*  
40 *manages groundwater under any other provision of existing law*

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1 that meets the requirements of subdivision (a), or that completes  
2 an upgrade of its plan to meet the requirements of subdivision (a)  
3 within one year of applying for funding, shall be eligible for  
4 funding administered by the department. The department shall  
5 withhold funds from a project until the upgrade of the groundwater  
6 management plan is complete.

7 (C) Notwithstanding subparagraph (A), a local agency that  
8 conforms to the requirements of an adjudication of water rights in  
9 the groundwater basin is in compliance with subdivision (a). For  
10 purposes of this section, an “adjudication” includes an adjudication  
11 under Section 2101, an administrative adjudication, and an  
12 adjudication in state or federal court.

13 (D) Subparagraphs (A) and (B) do not apply to proposals for  
14 funding under Part 2.78 (commencing with Section 10795), or to  
15 funds authorized or appropriated prior to September 1, 2002.

16 (2) Upon the adoption of a groundwater management plan in  
17 accordance with this part, the local agency shall submit a copy of  
18 the plan ~~to the department~~, in an electronic format, if practicable,  
19 approved by the department, *not later than 30 days after the date*  
20 *of adoption, to the entities identified in paragraph (3). The local*  
21 *agency shall submit copies of amendments or changes to the plan*  
22 *to the entities identified in paragraph (3) not later than 30 days*  
23 *after the date of adoption.* The department shall make available  
24 to the public copies of the plan received pursuant to this part.

25 (3) A local agency shall submit a copy of its plan and  
26 amendments to each of the following:

27 (A) The department.

28 (B) Any city or county within which the groundwater basin lies  
29 in whole or in part.

30 (C) Any urban water supplier that extracts or provides water  
31 supplies within the groundwater basin.

32 (D) Any agricultural water supplier that extracts or provides  
33 water supplies within the groundwater basin.

34 (E) Any city or county library within which district the  
35 groundwater basin lies in whole or in part.

36 (F) The California State Library.

37 (G) Any local agency formation commission within which county  
38 the groundwater basin lies in whole or in part.



1 (k) Agricultural water users applying for a permit to appropriate  
2 water from the board are required to prepare and implement water  
3 conservation plans.

4 10802. The Legislature finds and declares that all of the  
5 following is the policy of the state:

6 (a) The conservation of water shall be pursued actively to protect  
7 both the people of the state and the state’s water resources.

8 (b) The conservation of agricultural water supplies shall be an  
9 important criterion in public decisions with regard to water.

10 (c) Agricultural water suppliers shall be required to prepare  
11 water management plans to achieve conservation of water.

12

13

CHAPTER 2. DEFINITIONS

14

15 10810. Unless the context otherwise requires, the definitions  
16 set forth in this chapter govern the construction of this part.

17 10811. “Agricultural water management plan” or “plan” means  
18 an agricultural water management plan prepared pursuant to this  
19 part.

20 10812. “Customer” means a purchaser of water from a water  
21 supplier who uses water for agricultural purposes.

22 10813. “Person” means any individual, firm, association,  
23 organization, partnership, business, trust, corporation, company,  
24 public agency, or any agency of that entity.

25 10814. “Public agency” means any city, county, city and  
26 county, special district, or other public entity.

27 10815. “Water conservation” means the use of practices,  
28 techniques, and technologies that improve water use efficiency.

29 10816. (a) The Legislature finds and declares that there are  
30 insufficient objective data to determine the proper size of an  
31 agricultural water supplier that should prepare an agricultural water  
32 management plan pursuant to this part. The Legislature further  
33 finds and declares that the factors that should be considered in  
34 making such a determination include all of the following:

35 (1) The amount of water delivered by the supplier.

36 (2) The number of customers of the supplier.

37 (3) The technical and financial capacity of the supplier to prepare  
38 a plan.

39 (4) The potential contribution of the plan to the improvement  
40 of the local and regional efficiency of agricultural water use.

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1 (b) (1) The department shall conduct a survey of entities that  
2 supply water for agricultural purposes to gather data, assess and  
3 analyze that data, and recommend the appropriate minimum size  
4 of an agricultural water supplier that should prepare an agricultural  
5 water management plan pursuant to this part.

6 (2) It is the intent of the Legislature that, in finalizing its  
7 recommendations, the department consult with those agricultural  
8 water suppliers that would meet or narrowly exceed the  
9 recommended threshold, as well as other interested parties.

10 (3) The department shall report its findings and  
11 recommendations, in writing, to the Governor and the Legislature  
12 before January 1, 2009.

13 (c) It is the intent of the Legislature to respond to the report  
14 prepared pursuant to subdivision (b) by enacting legislation  
15 defining the term “agricultural water supplier” for the purposes of  
16 this part.

17

18 CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS

19

20 Article 1. General Provisions

21

22 10820. (a) An agricultural water supplier shall prepare and  
23 adopt an agricultural water management plan in the manner set  
24 forth in this part on or before December 31, 2010.

25 (b) Every person that becomes an agricultural water supplier  
26 after December 31, 2010, shall adopt an agricultural water  
27 management plan within one year after the date it has become an  
28 agricultural water supplier.

29 (c) A water supplier that indirectly provides water to customers  
30 for agricultural purposes shall not prepare a plan pursuant to this  
31 part without the consent of each agricultural water supplier that  
32 directly provides that water to its customers.

33 (d) An agricultural water supplier, to the extent practicable,  
34 shall coordinate the preparation of its plan with other appropriate  
35 entities in the area, including, but not limited to, other water  
36 suppliers that share a common source, water management agencies,  
37 and relevant public agencies.

38 (e) An agricultural water supplier may prepare the plan with its  
39 own staff, by contract, or in cooperation with public agencies.

1 10821. (a) An agricultural water supplier shall update its plan  
2 at least once every five years on or before December 31, in years  
3 ending in five or zero.

4 (b) An agricultural water supplier required to prepare a plan  
5 pursuant to this part shall notify each city or county within which  
6 the supplier provides water supplies that the agricultural water  
7 supplier will be preparing the plan, or reviewing the plan and  
8 considering amendments or changes to the plan. The agricultural  
9 water supplier may consult with, and obtain comments from, each  
10 city or county that receives notice pursuant to this subdivision.

11 (c) The amendments to, or changes in, the plan shall be adopted  
12 and submitted in the manner set forth in Article 3 (commencing  
13 with Section 10840).

14 (d) An agricultural water supplier shall prepare and submit to  
15 the department, in years ending in four and nine, a report assessing  
16 progress in implementing the plan. The progress report shall  
17 include a discussion of the specific water management programs  
18 that have been or are planned to be implemented, any variations  
19 from the adopted plan, and factors affecting the implementation  
20 of the plan.

21

22 Article 2. Contents of Plans

23

24 10825. (a) It is the intent of the Legislature in enacting this  
25 part to allow levels of water management planning commensurate  
26 with the numbers of customers served and the volume of water  
27 supplied.

28 (b) This part does not require the implementation of water  
29 conservation programs or practices that are not locally cost  
30 effective.

31 10826. A plan shall be adopted in accordance with this chapter.  
32 That plan shall do all of the following:

33 (a) Describe the agricultural water supplier and the service area,  
34 including all of the following:

- 35 (1) History and size of the service area.
- 36 (2) Location of the service area and its water management
- 37 facilities.
- 38 (3) Terrain and soils.
- 39 (4) Climate.
- 40 (5) Operating rules and regulations.

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- 1 (6) Water delivery measurements or calculations.
- 2 (7) Water rate schedules and billing.
- 3 (8) Water shortage allocation policies.
- 4 (b) Describe the quantity and quality of water resources of the
- 5 agricultural water supplier, including all of the following:
  - 6 (1) Surface water supply.
  - 7 (2) Groundwater supply.
  - 8 (3) Other water supplies.
  - 9 (4) Source water quality monitoring practices.
  - 10 (5) Water uses within the agricultural water supplier's service
  - 11 area, including all of the following:
    - 12 (A) Agricultural.
    - 13 (B) Environmental.
    - 14 (C) Recreational.
    - 15 (D) Municipal and industrial.
    - 16 (E) Groundwater recharge.
    - 17 (F) Transfers and exchanges.
    - 18 (G) Other water uses.
  - 19 (6) Drainage from the water supplier service area.
  - 20 (7) Water accounting, including:
    - 21 (A) Quantifying the water supplier's water supplies.
    - 22 (B) Tabulating water uses.
    - 23 (C) Overall water budget.
  - 24 (8) Water supply reliability.
- 25 (c) Describe previous water management activities.
- 26 (d) Identify efficient water management practices, including
- 27 the use of tools and strategies that maximize resources and
- 28 minimize the need to import water from other regions.
- 29 (e) Include a cost-benefit analysis of all applicable water
- 30 management practices.
- 31 (f) Develop a strategy and schedule for implementation of water
- 32 management practices that are locally cost effective, estimate the
- 33 budget needed for implementation, and identify the results expected
- 34 from full implementation of the plan.
- 35 10827. Agricultural water suppliers that are members of the
- 36 Agricultural Water Management Council, and that submit water
- 37 management plans to that council in accordance with the
- 38 "Memorandum of Understanding Regarding Efficient Water
- 39 Management Practices By Agricultural Water Suppliers In
- 40 California," dated January 1, 1999, may submit the water

1 management plans identifying water demand management  
2 measures currently being implemented, or scheduled for  
3 implementation, to satisfy the requirements of Section 10826.

4 10828. (a) Agricultural water suppliers that are required to  
5 submit water conservation plans to the United States Bureau of  
6 Reclamation pursuant to either the Central Valley Project  
7 Improvement Act (P.L. 102-575) or the Reclamation Reform Act  
8 of 1982, or both, may submit those water conservation plans to  
9 satisfy the requirements of Section 10826, if both of the following  
10 apply:

11 (1) The agricultural water supplier has adopted and submitted  
12 the water conservation plan to the United States Bureau of  
13 Reclamation within the previous four years.

14 (2) The United States Bureau of Reclamation has accepted the  
15 water conservation plan as adequate.

16 (b) This part does not require agricultural water suppliers that  
17 are required to submit water conservation plans to the United States  
18 Bureau of Reclamation pursuant to either the Central Valley Project  
19 Improvement Act (P.L. 102-575) or the Reclamation Reform Act  
20 of 1982, or both, to prepare and adopt water conservation plans  
21 according to a schedule that is different from that required by the  
22 United States Bureau of Reclamation.

23 10829. An agricultural water supplier may satisfy the  
24 requirements of this part by adopting an urban water management  
25 plan pursuant to Part 2.6 (commencing with Section 10610) or by  
26 participation in areawide, regional, watershed, or basinwide water  
27 management planning if those plans will reduce preparation costs  
28 and contribute to the achievement of conservation and efficient  
29 water use.

30

31 Article 3. Adoption and Implementation of Plans

32

33 10840. Every agricultural water supplier shall prepare its plan  
34 pursuant to Article 2 (commencing with Section 10825).

35 10841. An agricultural water supplier required to prepare a  
36 plan may consult with, and obtain comments from, any public  
37 agency or any person who has special expertise with respect to  
38 water conservation and reclamation and management methods and  
39 techniques.

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1 10842. Prior to adopting a plan, the agricultural water supplier  
2 shall make the proposed plan available for public inspection, and  
3 shall hold a public hearing on the plan. Prior to the hearing, notice  
4 of the time and place of hearing shall be published within the  
5 jurisdiction of the publicly owned agricultural water supplier  
6 pursuant to Section 6066 of the Government Code. A privately  
7 owned agricultural water supplier shall provide an equivalent notice  
8 within its service area. After the hearing, the plan shall be adopted  
9 as prepared or as modified during or after the hearing.

10 10843. An agricultural water supplier shall implement the plan  
11 adopted pursuant to this chapter in accordance with the schedule  
12 set forth in its plan, as determined by the governing body of the  
13 agricultural water supplier.

14 10844. (a) An agricultural water supplier shall submit to the  
15 entities identified in subdivision (b) a copy of its plan no later than  
16 30 days after the adoption of the plan. Copies of amendments or  
17 changes to the plans shall be submitted to the entities identified in  
18 subdivision (b) within 30 days after the adoption of the  
19 amendments or changes.

20 (b) An agricultural water supplier shall submit a copy of its plan  
21 and amendments or changes to the plan to each of the following  
22 entities:

23 (1) The department.

24 (2) Any city, county, or city and county within which the  
25 agricultural water supplier provides water supplies.

26 (3) Any groundwater management entity within which  
27 jurisdiction the agricultural water supplier extracts or provides  
28 water supplies.

29 (4) Any urban water supplier within which jurisdiction the  
30 agricultural water supplier provides water supplies.

31 (5) Any city or county library within which jurisdiction the  
32 agricultural water supplier provides water supplies.

33 (6) The California State Library.

34 (7) Any local agency formation commission serving a county  
35 within which the agricultural water supplier provides water  
36 supplies.

37 10845. (a) Not later than 30 days after the date of adopting its  
38 plan, the agricultural water supplier shall make the plan available  
39 for public review on the agricultural water supplier's Internet Web  
40 site.

1 (b) An agricultural water supplier that does not have an Internet  
 2 Web site shall submit to the department, not later than 30 days  
 3 after the date of adopting its plan, a copy of the adopted plan in  
 4 an electronic format. The department shall make the plan available  
 5 for public review on the department’s Web site.

6 10846. (a) The department shall prepare and submit to the  
 7 Legislature, on or before December 31, in the years ending in six  
 8 or one, a report summarizing the status of the plans adopted  
 9 pursuant to this part.

10 (b) The report prepared by the department shall identify the  
 11 outstanding elements of any plan adopted pursuant to this part.  
 12 The report shall include an evaluation of the effectiveness of this  
 13 part in promoting efficient agricultural water management  
 14 practices, and shall include recommendations relating to proposed  
 15 changes to this part, as appropriate.

16 (c) The department shall provide a copy of the report to each  
 17 agricultural water supplier that has submitted its plan to the  
 18 department. The department shall also prepare reports and provide  
 19 data for any legislative hearing designed to consider the  
 20 effectiveness of plans submitted pursuant to this part.

21 (d) This section does not authorize the department, in preparing  
 22 the report, to approve, disapprove, or critique individual plans  
 23 submitted pursuant to this part.

24

CHAPTER 4. MISCELLANEOUS PROVISIONS

25

26

27 10850. (a) Any action or proceeding to attack, review, set  
 28 aside, void, or annul the acts or decisions of an agricultural water  
 29 supplier on the grounds of noncompliance with this part shall be  
 30 brought pursuant to Section 1085 of the Code of Civil Procedure,  
 31 and the court’s review of compliance or noncompliance with this  
 32 part shall extend to whether the plan, or portion thereof, or revision  
 33 thereto, substantially complies with the requirements of this part.

34 (b) An action or proceeding alleging failure to adopt a plan shall  
 35 be commenced within 18 months after that adoption is required  
 36 by this part.

37 (c) Any action or proceeding alleging that a plan, or action taken  
 38 pursuant to the plan, does not comply with this part shall be  
 39 commenced within 120 days after submitting the plan or

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1 amendments to the plan to entities in accordance with Section  
2 10844 or the taking of that action.

3 (d) In an action or proceeding to attack, review, set aside, void,  
4 or annul the acts or decisions of an agricultural water supplier  
5 made pursuant to this part at a properly noticed public hearing, the  
6 issues raised shall be limited to those raised in the public hearing,  
7 or in written correspondence delivered to the agricultural water  
8 supplier prior to, or at, the public hearing, except if the court finds  
9 either of the following:

10 (1) The issue could not have been raised at the public hearing  
11 by a person exercising reasonable diligence.

12 (2) The body conducting the public hearing prevented the issue  
13 from being raised at the public hearing.

14 10851. The California Environmental Quality Act (Division  
15 13 (commencing with Section 21000) of the Public Resources  
16 Code) does not apply to the preparation and adoption of plans  
17 pursuant to this part. This part does not exempt projects for  
18 implementation of the plan or for expanded or additional water  
19 supplies from the California Environmental Quality Act (Division  
20 13 (commencing with Section 21000) of the Public Resources  
21 Code).

22 10852. (a) The adoption of an agriculture water management  
23 plan in accordance with this part satisfies any requirements of state  
24 statute, regulation, or order, including those of the board, for the  
25 preparation of water management plans.

26 (b) This part does not affect any authority granted to the board  
27 by provisions other than this part to obtain water conservation  
28 information not generated by this part.

29 10853. An agricultural water supplier that does not prepare,  
30 adopt, and submit its agricultural water management plan in  
31 accordance with this part is ineligible to receive funds made  
32 available pursuant to any program administered by the board, the  
33 department, or the California Bay-Delta Authority until the  
34 agricultural water management plan is submitted pursuant to this  
35 part.

36 SEC. 15 If the Commission on State Mandates determines that  
37 this act contains costs mandated by the state, reimbursement to  
38 local agencies and school districts for those costs shall be made

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- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O