

Senate Bill No. 1938

CHAPTER 603

An act to amend Sections 10753.4 and 10795.4 of, to amend and renumber Sections 10753.7, 10753.8, and 10753.9 of, and to add Sections 10753.1 and 10753.7 to, the Water Code, relating to water.

[Approved by Governor September 15, 2002. Filed with Secretary of State September 16, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1938, Machado. Groundwater management: state funding.

Existing law authorizes a local agency to prepare and implement a groundwater management plan. Existing law establishes the Local Groundwater Assistance Fund and provides that, upon appropriation by the Legislature, money in the fund may be used by the Department of Water Resources to assist local public agencies by awarding grants to those agencies to conduct groundwater studies or to carry out groundwater monitoring and management activities.

This bill would require a local agency that elects to develop a groundwater management plan to make available to the public a written statement describing the manner in which interested parties would be allowed to participate in the development of that plan. The bill would require a local agency, for the purposes of qualifying as a groundwater management plan under certain provisions of law, or, with certain exceptions, for the purposes of receiving state funds administered by the department for the construction of groundwater projects or groundwater quality projects, to prepare and implement a plan that includes certain basin management objectives and components, and to adopt certain monitoring protocols. The bill would require the local agency to submit a copy of the plan to the department, in an electronic format, if practicable, approved by the department, and the department would be required to make copies available to the public. The bill would provide, that upon appropriation by the Legislature, money in the Local Groundwater Assistance Fund may be used by the department to assist local public agencies in the development of groundwater management plans.

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

SECTION 1. The Legislature finds and declares the following:

(a) Groundwater constitutes a major source of water for use by the state's citizens in many urban and rural areas. It is in the interest of those citizens, and of benefit to California's economy, that groundwater resources be protected and managed to optimize the available water supply.

(b) Protection and management include, but are not limited to, protection of recharge areas and source areas from contamination, protection of groundwater quality, artificial recharge, planned variation of pumping, and conjunctive management of both surface water and groundwater to optimize supplies.

(c) Groundwater is a crucial component of California's water supply and provides about 30 percent of California's agricultural and urban demand in an average year, and 40 percent or more in dry years.

(d) California has 515 groundwater basins and subbasins, many of which are the sole source of water supply for irrigation and drinking water and significant number of groundwater basins have been impaired by pollution or are threatened with impairment.

(e) A significant number of the state's groundwater basins are poorly understood, making proper management difficult.

(f) The preparation of groundwater management plans enables local agencies to address issues related to groundwater recharge and storage, which are crucial components for effective management of California's water supply.

(g) It is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions. The preparation of certain basin management objectives will assist local agencies in optimizing local resources while protecting groundwater and surface water resources. The preparation of basin management objectives also will facilitate an understanding of the basin or subbasin, thereby allowing local agencies, individually and cooperatively, to meet local, regional, and state water needs through conjunctive management, while ensuring that no particular water supply is jeopardized.

SEC. 2. Section 10753.1 is added to the Water Code, to read:

10753.1. Nothing in this part, or in any groundwater management plan adopted pursuant to this part, affects surface water rights or the procedures under common law or local groundwater authority, or any provision of law other than this part that determines or grants surface water rights.

SEC. 3. Section 10753.4 of the Water Code is amended to read:

10753.4. (a) The local agency shall prepare a groundwater management plan within two years of the date of the adoption of the resolution of intention. If the plan is not adopted within two years, the

resolution of intention expires, and no plan may be adopted except pursuant to a new resolution of intention adopted in accordance with this chapter.

(b) For the purposes of carrying out this part, the local agency shall make available to the public a written statement describing the manner in which interested parties may participate in developing the groundwater management plan. The local agency may appoint, and consult with, a technical advisory committee consisting of interested parties for the purposes of carrying out this part.

SEC. 4. Section 10753.7 of the Water Code is amended and renumbered to read:

10753.8. A groundwater management plan may include components relating to all of the following:

- (a) The control of saline water intrusion.
- (b) Identification and management of wellhead protection areas and recharge areas.
- (c) Regulation of the migration of contaminated groundwater.
- (d) The administration of a well abandonment and well destruction program.
- (e) Mitigation of conditions of overdraft.
- (f) Replenishment of groundwater extracted by water producers.
- (g) Monitoring of groundwater levels and storage.
- (h) Facilitating conjunctive use operations.
- (i) Identification of well construction policies.
- (j) The construction and operation by the local agency of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.
- (k) The development of relationships with state and federal regulatory agencies.
- (l) The review of land use plans and coordination with land use planning agencies to assess activities which create a reasonable risk of groundwater contamination.

SEC. 5. Section 10753.7 is added to the Water Code, to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this part, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, any local agency seeking state funds administered by the department for the construction of groundwater projects or groundwater quality projects, excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

- (1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is