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BOARD OF SUPERVISORS' PUBLIC HEARING

March 14, 2017

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County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director
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Susanville, CA 96130-3912
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March 8, 2017

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Board of Supervisors
Agenda Date: March 14, 2017

FROM: Maurice L. Anderson, Director

*MJA
for*

SUBJECT: Public Hearing to determine, pursuant to the Sustainable Groundwater Management Act, whether Lassen County will submit a Notice of Intent to the Department of Water Resources indicating that Lassen County will be the Groundwater Sustainability Agency for the portion of the Big Valley Groundwater Basin located in Lassen County.

ACTION REQUESTED:

1. Receive report; and
2. Conduct a Public Hearing; and
3. Adopt a resolution.

Summary:

This memorandum follows a February 14, 2017, meeting of the Board of Supervisors at which a report was given on the Sustainable Groundwater Management Act. Specifically, information was provided pertaining to the Board's decision as to whether Lassen County will be the Groundwater Sustainability Agency for the portion of the Big Valley Groundwater Basin located within Lassen County. This meeting is agendized as a public hearing and will allow the Board to make the final determination and adopt a resolution.

The Sustainable Groundwater Management Act (SGMA), became effective January 1, 2015. In Lassen County, the Act pertains to the Big Valley Groundwater Basin, which has been designated as a "medium priority" basin by the Department of Water Resources (DWR). As will be explained, said designation has triggered the need for certain actions to be taken by June 30, 2017. Accordingly, on February 14, 2017, the Board of Supervisors directed staff to move forward with the process to allow the Board to be designated as the groundwater sustainability agency (GSA) for the Lassen County portion of the Big Valley Groundwater Basin. Pursuant to SGMA, if a GSA is not formed by the deadline, the Water Resources Control Board will intervene until a local agency can sustainably manage the basin. Any costs incurred by the Water Board during intervention will be passed on to the local residents through various mechanisms.

Big Valley is located in the northwest corner of Lassen County and extends into Modoc County (Figures 1 and 2). The basin is 92,050 acres (143.8 sq. mi) and on average 40-60% of water used within the valley is from groundwater (CASGEM Basin Prioritization Results, attached).

All other groundwater basins in Lassen County, other than Big Valley, are currently designated as “low” or “very low”. This means that, at least for now, no actions are required pursuant to SGMA for any basin other than Big Valley. That said, the Department of Water Resources (DWR) is currently reassessing the priority of all the state’s groundwater basins using updated data and additional ranking criteria in accordance with the Act, and expects to release the results this fall.

The deadline to form a GSA for the Big Valley Groundwater Basin is June 30, 2017 (to avoid State Water Board intervention). As such, this public hearing before the Board of Supervisors has been scheduled to allow the Board to make a decision. At said hearing, the Board will consider adoption of a resolution directing staff to file a Notice of Intent with the Department of Water Resources, stating that Lassen County will be the GSA for the portion of the Big Valley Groundwater Basin in Lassen County.

In addition to the meeting conducted February 14, 2017, a public meeting was conducted in Bieber at the Veterans Hall on January 26, 2017, to discuss the SGMA and the possible designation of Lassen County as the GSA. There was unanimous consensus that the preference is to have Lassen County designated the GSA; versus letting the Water Board intervene by failing to designate a GSA for the basin. At the February 14, 2017, meeting, the Board directed staff to proceed with the planned March 14, 2017, public hearing.

Sustainable Groundwater Management Act:

The SGMA is codified as Part 2.74 (Sustainable Groundwater Management Act) of the California Water Code (Section 10720 et seq). Chapters pertinent to the decision as to whether Lassen County should be the GSA for the Big Valley Groundwater Basin are attached. The regulations adopted to enforce the provisions of the Act are found in Section 350 et seq, Division 2, Chapter 1.5, Subchapter 2 of Title 23 of the California Code of Regulations.

The law establishes the structure for managing California’s groundwater resources. The SGMA requires that local public agencies with water supply, water management, or land use responsibilities within the State’s high and medium priority groundwater basins, form groundwater sustainability agencies (GSAs) to implement the provisions of the part, by June 30, 2017.

The SGMA was created to ensure groundwater basins throughout the state are managed to reliably meet the needs of all users, while mitigating changes in the quality and quantity of groundwater. The intent of the Act as described in section 10720.1 of the Water Code is to:

- Provide for the sustainable management of groundwater basins.
- Enhance local management of groundwater consistent with rights to use or store groundwater.
- Establish minimum standards for sustainable groundwater management.

- Provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater.
- To avoid or minimize subsidence.
- To improve data collection and understanding about groundwater.
- To increase groundwater storage and remove impediments to recharge.
- To manage groundwater basins through the action of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure that local agencies manage groundwater in a sustainable manner.

Once formed, the role of the GSA is to create, implement, and enforce a groundwater sustainability plan (GSP) for all basins designated “medium” or “high” priority by the DWR. The Big Valley Groundwater Basin is the only “medium” priority basin in Lassen County (there are no “high priority” basins) and a GSP must be prepared by January 31, 2022, to avoid State intervention. The GSP must include measurable objectives that can be used to demonstrate the basin is sustainably managed within 20 years of implementation. The Act defines a “Groundwater Sustainability Agency” as

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

The Act further defines a “local agency” as a local public agency that has water supply, water management, or land use responsibilities within the groundwater basin.

No other entity has proposed to be the GSA for the portion of the Big Valley Groundwater Basin within Lassen County. Thus, if Lassen County declines to be the GSA for the Basin, the State Water Board will manage the basin pursuant to Water Code Section 10735.2. The Water Board is authorized to charge fees for the services it provides pursuant to Section 1529.5 of the Water Code. The requirements if the Water Board manages the basin are contained in Chapter 11 (Section 10735 et seq of the Water Code, attached).

Discussion:

The Board directed staff to pursue a single plan covering the entire basin developed and implemented by multiple GSAs. Specifically, Lassen County will be the GSA for the portion of the basin in Lassen County and Modoc County will be the GSA for the portion of the basin in Modoc County. The Modoc County Board of Supervisors passed a resolution to become a GSA on February 28, 2017. If, on March 14, 2017, the GSA formation proposals are approved as proposed, Lassen County staff will then develop a memorandum of understanding with Modoc County for the preparation of a single plan that would cover the entire Basin.

The role of the GSA is to create a groundwater sustainability plan and then to implement and enforce that plan. The plan must include measurable objectives that can be used to demonstrate the basin is sustainably managed within 20 years of implementation. The Act gives the GSA many authorities

including the ability to adopt rules regulations, ordinances and resolutions; conduct investigations; impose fees; require well registration, wellhead metering, monitoring, and reporting; allocating groundwater production; taking enforcement actions; and control groundwater extraction by regulating, limiting or suspending extractions from wells. It is up to the GSA which (if any) authorities will be exercised.

The costs to prepare and enact groundwater sustainability plans will be significant, in part due to the technical studies that are required to understand the resource at the level of detail required. That said, it is anticipated that State Water Board intervention would result in much greater cost than if Lassen County assumes responsibility as GSA, especially considering that preparation of a GSP by a local agency is exempt (see Water Code Section 10728.6) from CEQA but preparation of plans by a State agency is not exempt. Costs for the Water Board to prepare and enforce a plan would be passed onto property owners.

It is anticipated that grants will be made available by DWR starting at the end of 2017 for the preparation of the GSP, but is not clear what portion of the costs to prepare a GSP might be paid by a grant. Regardless of whether grants are available or not, even if the County forms the GSA, there are sure to be some costs that will need to be paid by local residents of Big Valley.

Important Deadlines

- June 30, 2017 GSAs must be established.
- Fall 2017 DWR will reassess and rank all basins in California.
- Fall 2017 DWR will solicit applications for Prop 1 grant funding to GSAs for GSP development
- January 31, 2022 GSPs must be implemented for medium and high priority basins.
- Two years from the date of the reprioritization currently underway by DWR, GSAs must be established for any additional basins designated “medium” or “high” priority.
- Five years from the date of the reprioritization currently underway by DWR, GSPs must be prepared for any additional basins designated “medium” or “high” priority

MLA:gfn

Pla/admin/files/1252.01/Board Letter for 3-14-17 Agenda

Figure 1. Map of Groundwater Basins within Lassen County

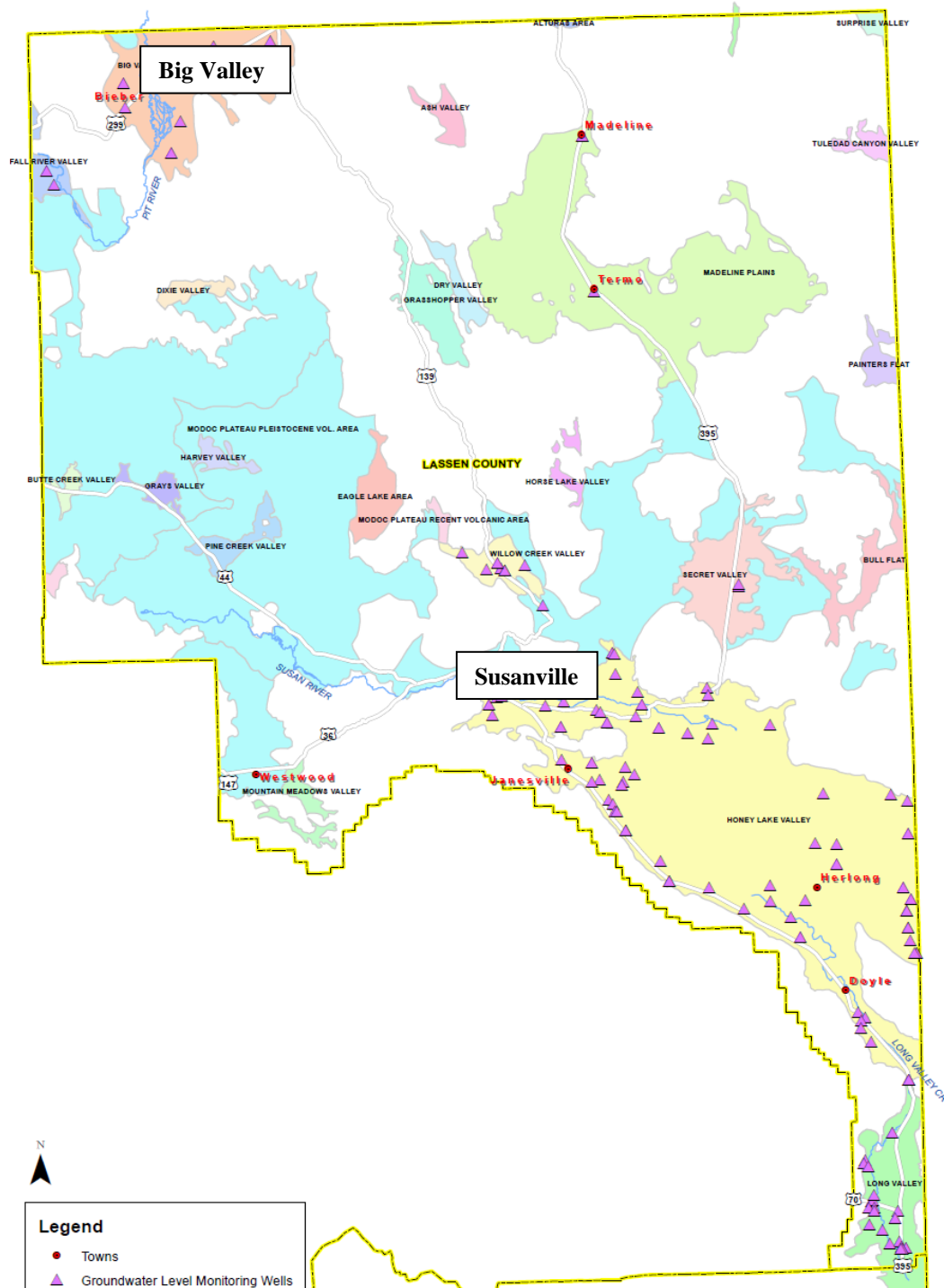
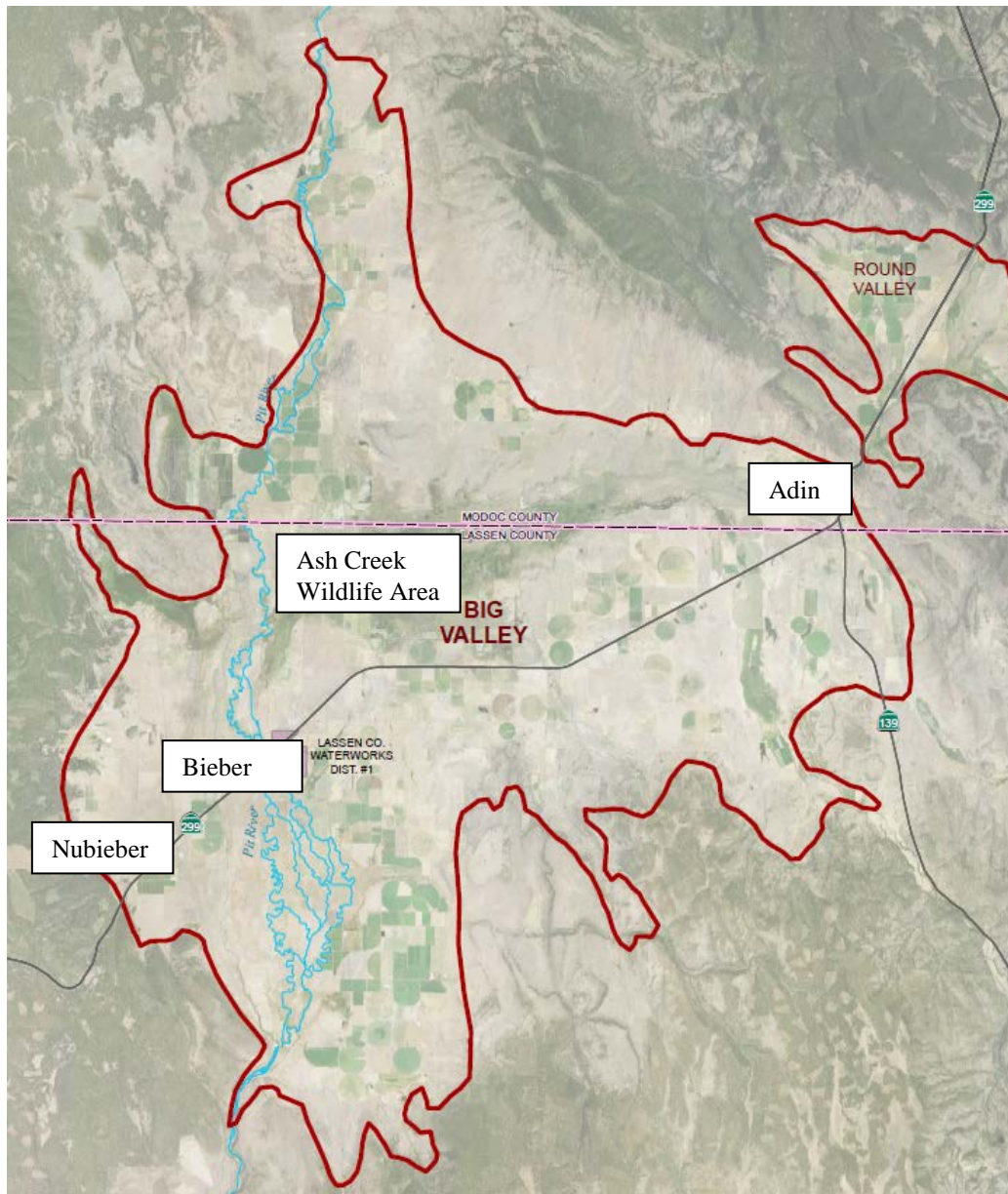


Figure 2. Map of Big Groundwater Valley Basin



RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF LASSEN COUNTY ELECTING
TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR ALL PORTIONS OF THE
BIG VALLEY (BASIN NUMBER 5-004) GROUNDWATER BASIN LOCATED WITHIN
LASSEN COUNTY, PURSUANT TO THE SUSTAINABLE GROUNDWATER
MANAGEMENT ACT OF 2014

WHEREAS, the Legislature has adopted, and the Governor has signed into law, Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act of 2014 (SGMA); and

WHEREAS, the Sustainable Groundwater Management Act of 2014 went into effect on January 1, 2015; and

WHEREAS, the legislative intent of SGMA is to, among other goals, provide for sustainable management of groundwater basins and sub-basins defined by the California Department of Water Resources (DWR), to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide specified local agencies with authority and technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, the Sustainable Groundwater Management Act of 2014 enables the State Water Resources Control Board to intervene in groundwater basins unless a local public agency or combination of local public agencies form a groundwater sustainability agency (GSA) or agencies by June 30, 2017; and

WHEREAS, retaining local jurisdiction over water management and land use is essential to sustainably manage groundwater and to the vitality of Lassen County's economy, communities and environment, and

WHEREAS, any local public agency that has water supply, water management or land use responsibilities within a groundwater basin may elect to be the groundwater sustainability agency for that basin; and

WHEREAS, Lassen County is a local public agency organized as a general law County under the State Constitution; and

WHEREAS, in 1995 the California Supreme Court declined to review an appeal of a lower court decision, *Baldwin v. County of Tehama* (1994), that holds that State law does not occupy the field of groundwater management and does not prevent cities and counties from adopting ordinances to manage groundwater under their police powers; and

WHEREAS, in 1999 the Lassen County Board of Supervisors adopted Ordinance Number 539 (codified at Chapter 17.01 of County Code), requiring a permit to export any groundwater from Lassen County; and

WHEREAS in 2007, the Lassen County Board of Supervisors adopted a *Groundwater*

Management Plan; as authorized by California Water Code Section 10753(a); and

WHEREAS, in 2012 the Lassen County Board of Supervisors adopted Ordinance Number 2012-001 (codified at Chapter 17.02 of County Code), which in part adopts a basin management objective program to facilitate the understanding and public dissemination of groundwater information in Lassen County; and

WHEREAS, in December of 2015, the Lassen County Board of Supervisors adopted the *Groundwater Monitoring Plan for Lassen County*, which was in turn approved by the California Department of Water Resources, making Lassen County the designated monitoring entity pursuant to the California Statewide Groundwater Elevation Monitoring (CASGEM) program; and

WHEREAS, the County overlies those portions of the Big Valley (Basin 5-004) Groundwater Basin located within Lassen County; and

WHEREAS, Section 10723.2 of the Sustainable Groundwater Management Act of 2014 requires that a GSA consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans; and

WHEREAS, Section 10723.8 of the Sustainable Groundwater Management Act of 2014 requires that a local agency electing to be a GSA notify the California Department of Water Resources of its election and its intent to undertake sustainable groundwater management within a basin; and

WHEREAS, On January 26, 2017, the Lassen County Planning and Building Services Department conducted a public meeting within the affected basin, in the community of Bieber, to solicit comment as to whether the Board of Supervisors should or should not be the sustainable groundwater agency for the Big Valley Basin. Notice of said public meeting was published in the Lassen County Times, Mountain Echo, and Modoc County Record; mailed to the list of interested parties; and posted at various places around the basin where announcements are posted; and

WHEREAS, The January 26, 2017, meeting resulted in the identification of additional “interested parties”, that were added to the previously compiled list of interested parties.

WHEREAS, the County held a public hearing on this date after publication of notice pursuant to Government Code section 6066 to consider adoption of this Resolution. Notice, as provided for at Government Code Section 6066 was published in the Lassen County Times, Mountain Echo, and Modoc County Record; mailed to the list of interested parties; and posted at various places around the basin where announcements are posted; and

WHEREAS, it would be in the public interest of the people of Lassen County for the County to become the groundwater sustainability agency for all those portions of the Big Valley (Basin 5-004) Groundwater Basin located within Lassen County; and

WHEREAS, the County and other local public agencies have a long history of coordination and cooperation on water management; and

WHEREAS, it is the intent of the County to work cooperatively with other local agencies and Counties to manage the aforementioned groundwater basin in a sustainable fashion; and

WHEREAS, The Environmental Review Officer of Lassen County has determined that the action taken under this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA") Under the Class 7 and Class 8, CEQA Guidelines Exemptions §§15307, 15308, and 15320 because the formation of a GSA, as provided for under state law, is meant to assure the maintenance, restoration, or enhancement of a natural resource and the regulatory process involves procedures for the protection of the environment.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors further finds that:
 - a. The Board of Supervisors hereby concurs with the Lassen County Environmental Review Officer that adoption of this Resolution is exempt from the California Environmental Quality Act under CEQA Guidelines Exemptions §§15307, 15308, and 15320. The Environmental Review Officer is hereby directed to file a Notice of Exemption with the Lassen County Clerk for the actions taken in this Resolution.
 - b. The proposed boundaries of the basin that the County intends to manage under the Sustainable Groundwater Management Act of 2014 shall be the entirety of the boundaries for the aforementioned groundwater basin, as set forth in California Department of Water Resources Bulletin 118 (updated in 2003), that lie within the County of Lassen; provided that the Board of Supervisors is authorized and directed to evaluate whether basin boundaries should be adjusted in a manner that will improve the likelihood of achieving sustainable groundwater management.
 - c. Lassen County hereby elects to become the groundwater sustainability agency, as defined at Section 10721 of the California Water Code, for all those portions of the Big Valley (Basin 5-004) Groundwater Basin located within Lassen County.
 - d. Within thirty days of the date of this Resolution, the Director of the Planning and Building Services Department is directed to provide notice of this election to the California Department of Water Resources in the manner required by law. Such notification shall include a map of the portion of the basin that the County intends to manage under the Sustainable Groundwater Management Act of 2014, a copy of this resolution, a list of interested parties developed pursuant to Section 10723.2 of the Act, and an explanation of how their interests will be considered in the development and operation of the groundwater sustainability agency and the development and implementation of the agency's groundwater sustainability plan.
 - e. The Director of the Planning and Building Services Department and legal counsel are hereby directed to promptly prepare a Memorandum of Understanding with Modoc County to collaboratively develop a groundwater sustainability plan for

the Big Valley (Basin 5-004) Groundwater Basin for Board consideration.

- f. The Director of the Planning and Building Services Department shall begin discussions with other local agencies in this basin in order to begin the process of developing a groundwater sustainability plan for the basin, in consultation and close coordination with other local agencies, as contemplated by the Act.
- g. The Director of the Planning and Building Services Department be directed to report back to the Board at least quarterly on the progress toward developing the groundwater sustainability plan.

The foregoing resolution was adopted at a regular meeting of the Lassen County Board of Supervisors of the County of Lassen, State of California, held on the ____th day of _____, 2017 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY _____
SUSAN OSGOOD, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the ____th day of _____, 20__.

Deputy Clerk of the County of Lassen Board of Supervisors

NOTICE OF EXEMPTION

TO: County Clerk
County of Lassen
220 South Lassen Street
Susanville, CA 96130

FROM: Lassen County Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

Project Title: Groundwater Sustainability Agency determination

File Number: 1252.02

Project Proponent: Lassen County

Lead Agency Contact Person: Maurice L. Anderson

Phone No.: (530) 251-8269

Project Location: Big Valley Groundwater Basin is located in the northwest corner of Lassen County and extends into Modoc County (Figures 1 and 2). The basin is 92,050 acres (143.8 sq. mi).

Project Description: Decision to submit a Notice of Intent to the Department of Water Resources indicating that Lassen County will be the Groundwater Sustainability Agency for the portion of the Big Valley Groundwater Basin located in Lassen County, in accordance with the Sustainable Groundwater Management Act.

Exempt Status:

1. ☐ Ministerial (Sec.21080(b)(1); 15268);
 2. ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
 3. ☐ Emergency Project (Sec.21080(b)(4); 15269(b)(c));
 4. ☒ Categorical Exemption. State type and section number: 15307, 15308, 15320
 5. ☐ Statutory Exemptions. State type and section number:
 6. ☐ Special Situations. State type and section number:
-

Reason why project is exempt:

The project establishes a Groundwater Sustainability Agency, pursuant to the Sustainable Groundwater Management Act, for the management and protection of groundwater. Accordingly use of the CEQA Guidelines Exemption found at Section 15307 and 15308 is appropriate.

The Groundwater Sustainability Agency, established by the Lassen County Board of Supervisors, is formed for the management and protection of groundwater in the Big Valley Groundwater Basin, as required by the Sustainable Groundwater Management Act. Formation of the GSA does not change the geographical area in which previously existing powers are exercised. Accordingly, use of the CEQA Guidelines Exemption at Section 15320 is appropriate.

Environmental Review Officer

Maurice L. Anderson

Title

Date

1252.02/NOE



Lassen County

Board of Supervisors

Minute Order

LASSEN COUNTY SUPERVISORS:

DISTRICT 1 - BOB PYLE; DISTRICT 2 - JIM CHAPMAN-CHAIRMAN; DISTRICT 3 - JEFF HEMPHILL; DISTRICT 4 - AARON ALBAUGH; DISTRICT 5 - TOM HAMMOND

Tuesday, March 22, 2016

9:00 AM

Board Chambers
707 Nevada Street
Susanville, CA 96130

9:04 A.M. CALL TO ORDER

Also Present: County Administrative Officer Richard Egan, County Counsel Robert Burns, and Deputy Clerk Crystle Henderson.

Present: 5 - Supervisor Bob Pyle, Supervisor Jim Chapman, Supervisor Jeff Hemphill, Supervisor Aaron Albaugh and Supervisor Tom Hammond

Excuse: 0

DEPARTMENT REPORTS

PLANNING AND BUILDING SERVICES

BIG VALLEY GROUNDWATER BASIN

SUBJECT: Lassen County's Plan for management of the Big Valley Groundwater Basin pursuant to the Sustainable Groundwater Management Act.

FISCAL IMPACT: Unknown

ACTION REQUESTED: 1) Receive report; and 2) Consider directing the Department of Planning and Building Services to undertake all steps necessary to allow Lassen County to form a Groundwater Sustainability Agency over that portion of the Big Valley Groundwater Basin within Lassen County.

Speakers: Maurice Anderson - Planning and Building Services Director

The report was received. Discussion was held. Direction was given by Board to staff to move forward with option two which would be a single plan covering the entire basin developed and implemented by multiple Groundwater Sustainability Agencies (GSA).

County of Lassen County)
State of California) ss.

I, Crystle Henderson, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, State of California, do hereby certify the foregoing to be a full, true and correct copy of the minute order of said Board of Supervisors on above date. IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Official Seal of the said Board of Supervisors this 24 day of March, 2016.

By Crystle Henderson
Deputy Clerk of the Board, County of Lassen, Board of Supervisors

Memo



To: Mr. Gaylon Norwood
From: David Fairman and John Ayres
Date: December 8, 2016
Re: Memorandum: GSA Filing Requirements and Actions
Lassen County SGMA Support Services 2016-2017 Big Valley Groundwater
Basin Lassen County, California
GEI Project 1611089

Dear: Mr. Norwood:

GEI Consultants, Inc. (GEI) prepared this technical memorandum to describe the necessary requirements for Lassen County (County) to file with the Department of Water Resources (DWR) as a Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act (SGMA). This GSA would manage the County portion of the Big Valley Groundwater Basin, which is the only basin in the county that has been designated medium priority by DWR, and thus subject to the June 30, 2017 filing requirement of SGMA.

Background

SGMA became effective January 1, 2015, and provides a legal framework for long-term sustainable groundwater management under the premise that groundwater is best managed by local agencies and authorities. State intervention by the State Water Resources Control Board (SWRCB) will only occur if sustainable management by local agencies is unsuccessful. The first measure of success is the formation of GSA(s) to cover each medium or high priority basin prior to June 30, 2017.

SGMA contains specific requirements for developing a local governance structure, or GSA, and specific technical requirements for how the GSA will develop a Groundwater Sustainability Plan (GSP) to monitor and manage groundwater. These requirements should be followed by a local agency to become or form a GSA and to be identified as an exclusive GSA by the DWR. The GSA formation requirements are located in Division 6 of the Water Code, Part 2.74, Chapter 4, Section (§) 10723 et seq. and this document incorporates the amendments made to SGMA by Senate Bill (SB) 13 September 2015. These activities will require outreach and coordination to be successful. The County has indicated that they intend to become a GSA for their side of the basin and will need to meet the requirements of the code and file with the state to become the GSA before June 30, 2017. SGMA requires that GSPs be developed and approved by 2022.

Documents Required to Be Filed with DWR

DWR requires the following information be submitted to become a GSA (*Water Code §10723.8(a)*):

- ☐ Information that clearly shows the GSA formation notice was submitted to DWR within 30 days of the decision to become or form a GSA.
- ☐ The service area boundaries, the boundaries of the basin or portion of the basin the agency intends to manage, and identification of any other agencies managing or proposing to manage groundwater within the basin.
- ☐ A copy of the resolution or legal agreement forming the new agency.
- ☐ A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.
- ☐ A list of interested parties developed pursuant to Water Code §10723.2 and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the agency's sustainability plan.

County Actions to Become a GSA

GEI recommends the following steps to develop the information described above.

1. Create a map of the GSA boundaries. GEI will prepare the map of the County's GSA in Big Valley and the supporting GIS files and will provide them to the County.
2. Hold a public outreach meeting in Big Valley prior to holding a formal hearing to adopt the resolution by the Board of Supervisors (BOS). GEI recommends holding a public outreach meeting within Big Valley due to the distance of Big Valley from the County seat (Susanville). This local meeting would serve to inform local stakeholders of the County's intent to become a GSA, solicit input from those stakeholders of their interests and considerations for groundwater management, and to develop the relationships with local stakeholders and Modoc County necessary for future GSP development as required under SGMA. The County would be able to use the attendance list from this meeting to enhance their list of interested parties. Public notifications should be submitted for this meeting pursuant to Section §6066 of the Government Code. GEI recommends publishing the meeting notice in local newspapers for four weeks consecutively prior to the meeting to satisfy both Section §6066 and good outreach practices. Recommended text for the public notifications are included in Attachment A.
3. Hold a public hearing at a County Board of Supervisors (BOS) meeting and request that the BOS pass a resolution to become a GSA. Prior to the meeting, public notifications (newspaper ads) should be submitted pursuant to Section §6066 of the Government Code. Recommended text for the public notifications are included in Attachment A. A draft resolution has been prepared by GEI for refinement by County staff prior to adoption by the BOS has been included in Attachment B. Please note that this language has been adapted by GEI from GSAs in other parts of the state and will require refinement for its specific

application in Lassen County. The County should review and edit this language in consultation with their legal counsel and staff.

4. Develop a list of interested parties. Under SGMA, the list of interested parties is identified as any person who has expressed interest in the SGMA process. The list of interested parties is intended to be used to contact these parties for future SGMA related outreach activities by the County. GEI recommends that the County should develop as comprehensive a list of interested parties as possible, including the contact information for each party. An initial list of known agencies and stakeholders has been provided in Attachment C. The County should circulate this list among its staff to add any other known stakeholders. GEI recommends contacting these parties directly to notify them of the intent to become a GSA and inform them of the meetings described above. The list of interested parties should then be supplemented with the attendance lists from the meetings.
5. Notify DWR. Once the BOS resolution is passed, the County should notify DWR within 30 days of its passage and their intent to become a GSA for Big Valley.
6. Submit required documentation to DWR. GEI will assist the County to assemble the required documents in appropriate formats for submission to DWR via their online submission system that will be launched in early 2017.

It should be noted that the County has the authority to become a GSA and has a well ordinance and groundwater management plan in place. Therefore, no new bylaws, ordinances, or authorities are necessary for the County to comply with SGMA.

Timeline and Schedule

Below is a timeline for completing the above actions.

<u>Date(s)</u>	<u>Action</u>
December 2016	Contact known stakeholders and interested parties.
January 2017	Public notifications (newspaper ads) for Big Valley outreach meeting and BOS hearing*
Week of January 23-27	Hold public outreach meeting in Big Valley
February 2017	Public notifications (newspaper ads) for BOS hearing*
February 21, 2017	BOS hearing and consideration of resolution to become GSA
Prior to March 23, 2017	Notify DWR of intent to become a GSA (pending passage of resolution) and submit required documents to DWR

* Pursuant to Section §6066 of the Government Code, which requires two notifications with at least five days between. GEI recommends posting up to four weekly notifications starting about a month before each meeting.

References

California Department of Water Resources. *CGSA Formation Notification Guidelines For Local Agencies Actions For Local Agencies to Follow When Deciding To Become or Form a Groundwater Sustainability Agency (GSA)* January 6, 2016. url:
http://water.ca.gov/groundwater/sgm/pdfs/GSA_Notification_Requirements_v2_2016-01-06.pdf

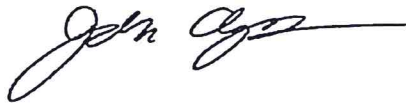
If you have any questions pertaining to this technical memorandum, please call David Fairman at (916) 631-4528 or John Ayres at (916) 631-4509.

Regards,

GEI Consultants, Inc.



David Fairman, C.HG. 1000
Project Hydrogeologist



John Ayres, C.HG. 910
Senior Hydrogeologist

Attachments:

Attachment A: Draft Public Notification Language

Attachment B: Draft Board Resolution Language

Attachment B: Preliminary List of Interested Parties

Attachment C: Glossary of Relevant Water and Government Codes

Big Valley Groundwater Basin

- Groundwater Basin Number: 5-4
- County: Lassen, Modoc
- Surface Area: 92,000 acres (144 square miles)

Basin Boundaries and Hydrology

Big Valley is a broad flat plain extending about 13 miles north-to-south and 15 miles east-to-west consisting of a series of depressed fault blocks surrounded by tilted fault block ridges. The basin is bounded to the north and south by Pleistocene and Pliocene basalt and Tertiary pyroclastic rocks of the Turner Creek Formation, to the west by Tertiary rocks of the Big Valley Mountain volcanic series, and to the east by the Turner Creek Formation.

The Pit River enters the valley from the north and exits at the southernmost tip of the valley through a narrow canyon gorge. Ash Creek flows into the valley from Round Valley and disperses into Big Swamp. Near its confluence with the Pit River, Ash Creek reforms as a tributary at the western edge of Big Swamp. Annual precipitation ranges from 13- to 17-inches.

Hydrogeologic Information

Water-Bearing Formations

The primary water-bearing formations in Big Valley are Holocene sedimentary deposits, Pliocene and Pleistocene lava flows, and the Plio-Pleistocene Bieber Formation. The following summary of water-bearing formations is from DWR (1963).

Holocene Sedimentary Deposits. The Holocene sedimentary deposits include basin deposits, intermediate alluvium, and alluvial fans - each having a thickness of up to 150 feet. Basin deposits, located predominately in low-lying areas in the central part of the valley, consist of unconsolidated interbedded clay, silt, and organic muck, all having low permeability. These deposits are not considered to be a significant water-bearing formation. Intermediate alluvium, found along the perimeter of the valley, consists of unconsolidated silt and sand with some clay and gravel. These deposits are generally moderately permeable with gravel zones being highly permeable. Alluvial fans consist of unconsolidated poorly stratified silt, sand, and gravel with some clay lenses. Because the fans occur in only a few small areas, they are not considered a significant source of water. Locally they may yield moderate amounts of water to wells.

Pliocene to Pleistocene Volcanic Rocks. Pliocene volcanic rocks consist of jointed and fractured basalt flows occurring to the north and south of Big Valley. Deposits range in thickness to 1000 feet. The lavas are moderately to highly permeable and serve as recharge areas in the uplands and contain unconfined and confined zones in the valley.

Pleistocene volcanic rocks consist of jointed and fractured basalt flows having moderate to high permeability. Deposits range from 50- to 150-feet thick. These flows serve as recharge areas and yield moderate to large

amounts of confined and unconfined groundwater to wells in the southern part of the valley.

Plio-Pleistocene Bieber Formation. The Bieber Formation consists of lake deposited diatomite, clay, silt, sand, and gravel. These interbedded sediments are unconsolidated to semi-consolidated and are moderately permeable. The formation ranges in thickness from 1000- to 2000-feet and underlies all of Big Valley. The principal water-bearing zones consist of white pumiceous sand and black volcanic sand and yield large amounts of water to wells where there's sufficient thickness and continuity.

Groundwater Level Trends

Water levels of the confined aquifer system declined 12- to 15-feet during the period between the mid-1980's and the early 1990's. Water levels through 1999 had recovered 10- to 12-feet.

Groundwater Storage

Groundwater Storage Capacity. Storage capacity for the Big Valley Groundwater Basin is estimated to be 3,750,000 acre-feet to a depth of 1,000 feet (DWR 1963). DWR (1963) notes that the quantity of useable water in storage is unknown.

Groundwater Budget (Type B)

Estimates of groundwater extraction are based on a survey conducted by the California Department of Water Resources during 1997. The survey included land use and sources of water. Estimates of groundwater extraction for agricultural and municipal/industrial uses are 29,000 and 300 acre-feet respectively. Deep percolation from applied water is estimated to be 7,900 acre-feet.

Groundwater Quality

Characterization. Sodium-magnesium bicarbonate and sodium bicarbonate type waters are present in the basin. The concentration of total dissolved solids ranges between 141- to 633-mg/L, averaging 260 mg/L (DWR unpublished data).

Impairments. Two hot springs and one well with sodium sulfate type water have been identified in the basin east of Bieber. Locally, high nitrates, manganese, fluoride, iron, sulfate, conductivity, calcium, adjusted sodium absorption ratio, and total dissolved solids occur in the basin. Some water is high in ammonia and phosphorus.

Water Quality in Public Supply Wells

Constituent Group ¹	Number of wells sampled ²	Number of wells with a concentration above an MCL ³
Inorganics – Primary	7	0
Radiological	5	0
Nitrates	9	0
Pesticides	3	0

VOCs and SVOCs	3	0
Inorganics – Secondary	7	4

¹ A description of each member in the constituent groups and a generalized discussion of the relevance of these groups are included in *California's Groundwater – Bulletin 118* by DWR (2003).

² Represents distinct number of wells sampled as required under DHS Title 22 program from 1994 through 2000.

³ Each well reported with a concentration above an MCL was confirmed with a second detection above an MCL. This information is intended as an indicator of the types of activities that cause contamination in a given basin. It represents the water quality at the sample location. It does not indicate the water quality delivered to the consumer. More detailed drinking water quality information can be obtained from the local water purveyor and its annual Consumer Confidence Report.

Well Characteristics

	Well yields (gal/min)	
Municipal/Irrigation	Range: 100 – 4000	Average: 880 (35 Well Completion Reports)
	Total depths (ft)	
Domestic	Range: 14 – 885	Average: 190 (154 Well Completion Reports)
Municipal/Irrigation	Range: 47 – 1025	Average: 485 (161 Well Completion Reports)

Active Monitoring Data

Agency	Parameter	Number of wells / measurement frequency
DWR	Groundwater levels	18 wells semi-annually
DWR	Miscellaneous Water Quality	9 wells biennially
Department of Health Services	Miscellaneous Water Quality	10

Basin Management

Groundwater management:	Modoc County adopted a groundwater management ordinance in 2000.
Water agencies	
Public	Lassen County WD No. 1. Lassen-Modoc County Flood Control and Water Conservation District.
Private	

References Cited

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Errata

Changes made to the basin description will be noted here.

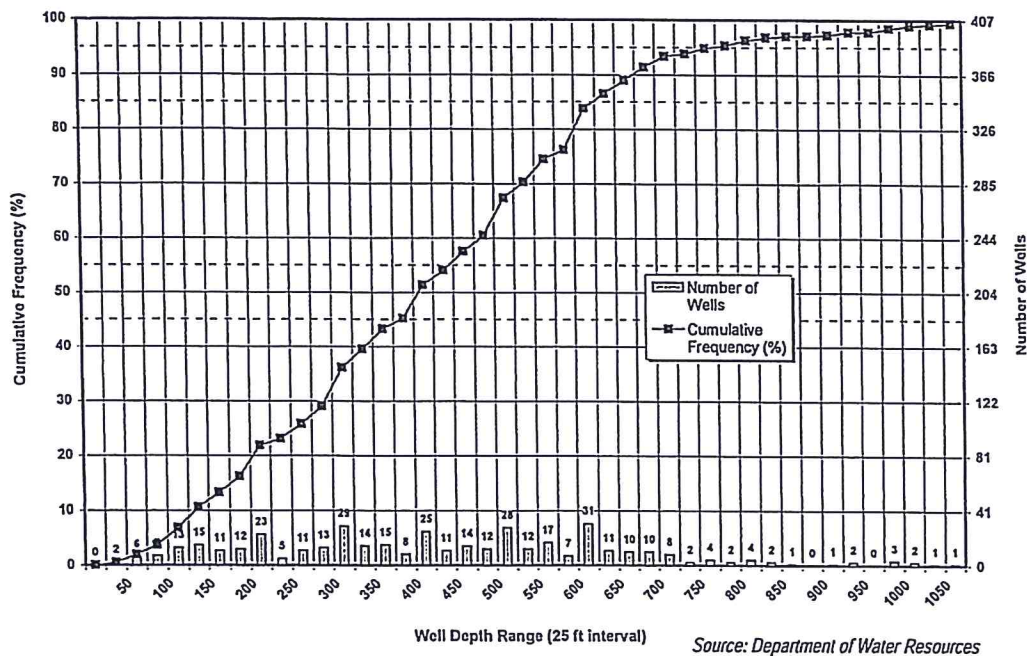


Figure 2-13. Depth Distribution of Irrigation Wells in Lassen County

2.5.2 Big Valley

Identified as a priority groundwater basin based on stakeholder input, land use, water source patterns, and existing groundwater well infrastructure, Big Valley is in the northwest corner of Lassen County (Figure 2-11). Big Valley is a primary source of water for agriculture and for the town of Bieber. It lies in northwestern Lassen County, and extends into Modoc County. The Modoc County portion of Big Valley ranges from two to five miles long, and 3 to 10 miles wide. Big Swamp, Ash Creek, and the Pit River are major water features in Big Valley. The dominant surface water feature in Big Valley is the Pit River, which meanders through Big Valley with flows exiting the valley to the south.

The ground surface in Big Valley gently slopes towards the south and towards the Pit River. The floor of Big Valley ranges in elevation from 4,110 feet msl at the south end of the valley, to 4,280 feet msl in the northeastern corner of the Lassen County portion of the valley. Big Valley is bounded by extensive bench lands and gently sloping hills. Surrounding mountains include the Big Valley Mountains to the west, and Barber Ridge to the east.

During the Miocene epoch, 25 million years ago, Big Valley was part of an extensive area of lakes bordered by volcanoes. The lakes received ash and other volcanic sediments directly from eruptions. Volcanic sediments were washed into the lakes by rainfall and runoff. During the Pliocene epoch, 13 million years ago, basin and range faulting began, shaping the ridges, mountains, and creating a large prehistoric valley that was the predecessor to Big Valley. The prehistoric lake was restricted more or less to present valley areas. Concurrent with basin and range activity, volcanoes erupted on the southeast end of Big Valley, creating the Big Valley Mountains, and damming the Pit River, creating a large prehistoric lake. By the end of the Pleistocene epoch, 2 million years ago, the Pit River had succeeded in cutting through the mountains and had drained the lake.

During the Pleistocene epoch, 2 million years ago to 500,000 years ago, flows of basalt covered the northern portions of the prehistoric valley, and again dammed the southern end of the valley, forming another large lake. This lake was present possibly into the Recent epoch, 11,000 years ago, until the Pit River cut through the basalt dam and drained the lake, revealing the Big Valley we see today.

Water-Bearing Formations

There are three major water bearing formations in Big Valley: Holocene Sedimentary Deposits, Pleistocene Volcanic Rocks, and the Bieber Formation. Of these formations, the Pleistocene Volcanic Rocks are most important, providing recharge to much of the valley, and comprising a confined aquifer in the southeastern portion of the valley. The water bearing formations described below are described in order from youngest to oldest, with the youngest formations stratigraphically above the older formations.

Holocene Sedimentary Deposits

Holocene Sedimentary Deposits include basin deposits, intermediate alluvium, and alluvial fans. Basin deposits occur in the low lying areas in the central portion of the valley, consisting of silt and clay. Basin deposits have very low permeability, and are not usually over 150 feet thick (DWR, 1963). Intermediate alluvium is found along the perimeter of the valley and consists of unconsolidated silt and sand with some clay and gravel. Intermediate alluvium is generally moderately permeable and is up to 150 feet thick. Alluvial fans occur in localized areas on the edge of the valley, and consist of stratified gravel with some clay lenses. Alluvial fans in Big Valley occur only in a few localized areas, and are not considered a significant source of water (DWR, 2003).

Pliocene and Pleistocene Volcanic rocks

Pliocene volcanic rocks consist of jointed and fractured basalt that occurs north of the basin and end south of Big Valley, with varying thicknesses up to 1,000 feet. The rocks are moderately to highly permeable and act as recharge areas and conduits of groundwater recharge to portions of the valley (DWR, 2003).

Pleistocene volcanic rocks also consist of jointed and fractured basalt flows but deposits range from 50 to 150 feet thick. Pleistocene volcanic rocks serve as recharge areas and yield water to wells in the southern portion of Big Valley (DWR, 2003). The volcanic rocks in the southeastern portion of the basin are confined under lake deposits, and in general yield large quantities of water to deep wells in the area.

Bieber Formation

The Bieber formation underlies all of Big Valley and consists of diatomite, sand, silt, clay, and some gravel. It ranges in thickness from 1,000 to 2,000 feet. Principal water bearing zones in the Bieber Formation consist of white pumiceous sand and black volcanic sand. These zones yield large amounts of groundwater to irrigation wells.

Groundwater Hydrogeology/Levels/Movement

The major sources of groundwater recharge in Big Valley is percolated water from the upland recharge areas of Pliocene and Pleistocene Basalt located south and northwest of Big Valley. Precipitation falls on the basalt, infiltrates through fractures and joints, and percolates through the basalt to depth and then laterally beneath the floor of Big Valley (DWR, 1963). A lesser amount of groundwater recharge occurs through direct infiltration of precipitation. DWR estimated the storage capacity of Big Valley to be 3,750,000 acre-feet to a depth of 1,000 feet. Not all of the storage capacity contains economically recoverable or water of acceptable quality for use.

Hydrographs in Figure 2-14, at the end of this section show that groundwater levels in Big Valley follow the same general trends across most parts of the valley. Hydrographs in the north, east, and southeast show increasing seasonal groundwater level fluctuations beginning in the year 2000. Generally, groundwater levels in Big Valley are high in the spring and lower in the fall, after groundwater has been extracted during the summer. Hydrographs in Big Valley indicate 5 to 15 feet of elevation change from spring to fall. Hydrographs in Big Valley also indicate that groundwater levels are impacted during drought periods. During the drought period from 1987 to 1991, spring groundwater levels decrease from 10 to 30 feet, as compared to levels observed before and after drought periods.

Figure 2-14 also shows that agricultural land use is concentrated in the southeastern and eastern portions of the valley. Areas with groundwater or mixed source (surface and groundwater) supplies generally have annual fluctuations in groundwater, which is consistent with summer groundwater withdrawals.

Groundwater in Big Valley occurs in two aquifers, a shallow aquifer, and a deeper, confined aquifer. The shallow aquifer is present throughout Big Valley, and generally is controlled by topography, with groundwater movement from the east towards the Pit River, and then to the south, along with the flow of the Pit River. The Pit River is a gaining river in the southern end of Big Valley.

Groundwater movement in Big Valley may also be affected by structural features. Big Valley is bounded by faults on the southwest and faults are present within the groundwater basin. Faults are also present under Big Valley, concealed under Holocene Lake Deposits. Holocene Lake Deposits are not displaced at the surface, likely due to emplacement after fault movement. The main fault trend is to the northwest and the Bieber formation has been deformed into gentle folds apparently associated with faulting (DWR, 1963). The numerous faults may act as partial groundwater barriers, and some faults may act as conduits for upward migration of thermal water, two hot springs in Big Valley are located close to faults.

Groundwater Quality/Inelastic Land Subsidence

Current published information regarding groundwater quality and inelastic land surface subsidence in Big Valley is unavailable. Anecdotal evidence indicates that groundwater quality is generally good and that inelastic land surface subsidence is not occurring.

Groundwater Wells

There are 137 domestic wells and 132 irrigation well records on file for Big Valley. Figures 2-15 and 2-16 present the well depth range and cumulative frequency depth distribution for domestic and irrigation wells in Big Valley, respectively. Approximately 50 percent of domestic wells are shallower than 150 feet deep, and approximately 50 percent of irrigation wells are shallower than 450 feet deep. The steepness of the curve on Figure 2-15 for domestic wells shows that the majority of domestic wells are drilled to similar depth indicated that adequate domestic supplies are readily available in Big Valley at depths between 100 and 200 feet. The gentler slope in Figure 2-16 for irrigation wells shows that irrigation well depths are not concentrated at one general depth, and instead irrigation wells are completed at many different depths. Since irrigation wells require higher yields than domestic wells, the gentle slope indicates that well yields vary throughout the valley, and irrigation wells are drilled deeper to secure an adequate yield in areas that are less productive.

CASGEM BASIN SUMMARY

Hydrologic Region: Sacramento River
North Region Office (NRO)
Basin Area: 92050 acres (143.8 miles)
2010 Population: 1046

Basin: BIG VALLEY
Sub_Basin: N/A
Basin Number: 5-4
Date: 5/30/2014

DATA COMPONENT RANKING VALUE TABLE

Data Component	Ranking Range (x)	Units	Ranking Value	Confidence Adjustment	Average of Components	Adjusted Ranking Values
1. Population	$7 \leq x < 250$	persons/sq-mi	1			1
2. Population Growth	$x < 0$	percent	0			0
3. Public Supply Wells	$0 < x < 0.1$	wells/sq-mi	1			1
4. Total Wells	$2 \leq x < 5$	wells/sq-mi	2	1.5		1.5
5. Irrigated Acreage	$200 \leq x < 350$	acres/sq-mi	4			4
6. GW	GW Use	acre-foot/acre	3		3	3
Reliance	% of Total Supply	percent	3			
7. Impacts	—	—	3			3
8. Other Information	—	—	0			0
Overall Basin Ranking Score	$13.42 \leq x <$	—				13.5

Overall Basin Priority: Medium

Very Low Ranking Range	Low Ranking Range	Medium Ranking Range	High Ranking Range
Range < 5.75	$5.75 \geq \text{Range} < 13.42$	$13.43 \geq \text{Range} < 21.08$	Range ≥ 21.08

Data Sources and Calculation Notes:

1. Population: Department of Finance 2010 census data.
2. Population Growth: Department of Finance 2010 census data projected to 2030.
3. Public Supply Wells: Department of Public Health, 2012 Drinking Water Supply Database.
4. Total Wells: DWR 2012 Well Master database.
5. Irrigated Acreage: DWR, most recent land use projection and public comment feedback.
6. Groundwater Reliance: DWR, most recent land use projection and public comment feedback.
7. Documented Impacts: DWR Region staff review of DWR Bulletin 118-2003, Groundwater Management Plans, public comment feedback, or other readily available published information.
8. Other Information: DWR Region staff review of DWR Bulletin 118-2003, Groundwater Management Plans, public comment feedback, or other readily available published information.
9. Data component values were reduced by 25% due to data confidence, prior to calculating total groundwater basin ranking value.
10. Overall Basin Ranking = Population + Population Growth + Public Supply Wells + (Total Wells x .75) + Irrigated Acreage + (Groundwater Use + % of Total Supply)/2 + Impacts + Other information

Notes on BIG VALLEY Basin

* Impacts: Declining GW Levels over much of the basin.

**Other Information: None



ACTIONS FOR LOCAL AGENCIES TO FOLLOW WHEN DECIDING TO BECOME OR FORM A GROUNDWATER SUSTAINABILITY AGENCY (GSA)

INTRODUCTION

The Sustainable Groundwater Management Act (SGMA), which became effective January 1, 2015, established a framework of priorities and requirements to help local agencies sustainably manage groundwater within a basin or subbasin (basin). The information in this document highlights the requirements that should be followed by a local agency in order to become or form a groundwater sustainability agency (GSA) and to be identified as an exclusive GSA by the Department of Water Resources (DWR or department). The GSA formation requirements are located in Division 6 of the Water Code, Part 2.74, Chapter 4, Section (§) 10723 *et seq.* and this document incorporates the amendments made to SGMA by Senate Bill (SB) 13 in September 2015. For reference, the definitions for GSA and local agency as defined in Water Code §10721 are as follows:

"Groundwater sustainability agency" means one or more local agencies that implement the provisions of this part [Part 2.74]. For purposes of imposing fees pursuant to Chapter 8 (commencing with [Water Code] Section 10730) or taking action to enforce a groundwater sustainability plan, "groundwater sustainability agency" also means each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action.

"Local agency" means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

One local agency can decide to become a GSA or a combination of local agencies can decide to form a GSA by using either a joint powers authority (JPA), a memorandum of agreement (MOA), or other legal agreement. However, a local agency will only be presumed to be the exclusive GSA within their respective service area or combined service areas. A local agency must define its service area as part of its GSA formation process.

SUMMARY OF INFORMATION REQUIRED TO BE FILED WITH DWR

A local agency is required to file the following information with DWR in order to complete the GSA formation notification requirements of Water Code §10723.8(a). Effective January 1, 2016, a notice of GSA formation will not be determined complete until all applicable information is submitted – please see **Attachment A**.

- Information that clearly shows the GSA formation notice was submitted to DWR within 30 days of the decision to become or form a GSA – the decision date is generally the date the local agency signed the resolution or legal agreement that formed the GSA.
- A map and accompanying narrative indicating: (1) the local agency's service area boundaries; (2) the boundaries of the basin or portion of the basin the agency intends to manage; and (3) any other agencies managing or proposing to manage groundwater within the basin.
 - Please include a hard-copy map and GIS shape files. The area of a basin claimed by a local agency in the GSA formation notice should match the area provided in the GIS shape files. DWR's Region Office staff will contact local agencies if those areas do not match.
- A copy of the resolution or legal agreement forming the new agency.
- A copy of any new bylaws, ordinances, or new authorities developed by the local agency.
- A list of interested parties developed pursuant to Water Code §10723.2 and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the GSA's sustainability plan.

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

A representative of the local agency deciding to become a GSA, or a designated representative from the group of local agencies deciding to form a GSA, should include a statement in its notification that all applicable information listed in Water Code §10723.8(a) has been provided.

DWR recommends that the local agency submitting the GSA formation notice include a copy of its Government Code §6066 notice, as well as evidence demonstrating that a public hearing in accordance with Water Code §10723(b) was held in the county or counties overlying the basin.

Additional information related to a local agency's decision to be a GSA is welcomed and will help demonstrate to DWR, the State Water Resources Control Board (SWRCB), and other local agencies that a proposed GSA has the long-term technical, managerial, and financial capabilities to sustainably manage basin-wide groundwater resources and prepare a groundwater sustainability plan (GSP) or coordinated GSP for an entire groundwater basin.

FORMING A GSA AND PUBLIC NOTIFICATION REQUIREMENTS

The following summarizes the public notification and GSA formation requirements identified in SGMA. Relevant Water Code sections are excerpted for reference.

Step 1: Decision to Form a GSA

The first step in the GSA formation process is public notification that a local agency is either (1) deciding to become a GSA or (2) deciding to form a GSA together with other local agencies. Water Code §10723(b) requires that a local agency or group of local agencies hold a public hearing(s) in the county or counties overlying the groundwater basin.

SGMA identifies 15 exclusive local agencies created by statute to manage groundwater within their respective statutory boundaries; however, the 15 exclusive local agencies must still decide to become GSAs and follow the same public notification process as all other local agencies. The 90-day period described in Water Code §10723.8(c) does not apply to the 15 exclusive agencies, and no other local agency can decide to be a GSA in those areas unless one of the exclusive agencies opts out of its presumed role. The relevant Water Code sections are excerpted below.

WATER CODE §10723

- (a) *Except as provided in subdivision (c), any local agency or combination of local agencies overlying a groundwater basin may decide to become a GSA for that basin.*
- (b) *Before deciding to become a GSA, and after publication of notice pursuant to Section 6066 of the Government Code, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin.*
- (c) *[Includes list of 15 "exclusive" local agencies – these agencies do not become a GSA until they submit a notification of GSA formation to DWR].*

GOVERNMENT CODE §6066

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

Step 2: Consideration of Interests of Beneficial Uses and Users of Groundwater

Water Code §10723.2 requires GSAs to consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs. An explanation of how those interests will be considered by a GSA when developing and implementing a GSP is required as part of the GSA formation notification requirements. The details of the explanation will be considered by DWR staff when performing its completeness review. The relevant Water Code sections are excerpted below.

WATER CODE §10723.2

The GSA shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing GSPs. These interests include, but are not limited to all of the following:

- (a) Holders of overlying groundwater rights, including:*
 - (1) Agricultural users.*
 - (2) Domestic Well owners.*
- (b) Municipal well operators.*
- (c) Public water systems.*
- (d) Local land use planning agencies.*
- (e) Environmental users of groundwater.*
- (f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.*
- (g) The federal government, including, but not limited to, the military and managers of federal lands.*
- (h) California Native American Tribes.*
- (i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.*
- (j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the GSA.*

GSAs are encouraged to engage additional stakeholders in order to develop the relationships and expertise necessary to develop and implement GSPs. As stated in Water Code §10727.8, *"The GSA shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP."*

Step 3: Submittal of GSA Formation Information to DWR for Completeness Review

A local agency or group of local agencies must notify DWR and document its intent to become or form a GSA. The requirement for DWR to post complete GSA notices was added by an amendment made by SB 13 and is included in the Water Code references below. DWR will not post GSA formation notifications on its website that are determined incomplete – please see Attachment A.

WATER CODE §10723.8

- (a) Within 30 days of deciding to become or form a GSA, the local agency or combination of local agencies shall inform the department of its decision and its intent to undertake sustainable groundwater management. The notification shall include the following information, as applicable:*
 - (1) The service area boundaries, the boundaries of the basin or portion of the basin the agency intends to manage pursuant to this part, and the other agencies managing or proposing to manage groundwater within the basin.*
 - (2) A copy of the resolution forming the new agency.*
 - (3) A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.*
 - (4) A list of interested parties developed pursuant to Section 10723.2 and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the agency's sustainability plan.*

- (b) *The department shall post all complete notices received under this section on its Internet Web site within 15 days of receipt.*

EXCLUSIVE GSA FORMATION TIMELINE – OVERLAPPING GSA SERVICE AREAS

Water Code §10735.2(a) says the SWRCB, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin after June 30, 2017, if a local agency or a collection of local agencies has not decided to become a GSA(s) and develop a GSP(s) for the entire basin – or if a local agency has not submitted an Alternative Plan for the entire basin. A local agency that decides to become a GSA within its service area, or a group of local agencies that decides to form a GSA within their combined service areas, does not effectively become the exclusive GSA for those areas until the provisions of Water Code §10723.8(c) and (d) are met – these provisions address overlapping GSAs and management within a service area. If multiple local agencies form separate GSAs in a basin within a 90-day period, and if any of those GSA formations result in a service area overlap in the areas proposed to be managed, then none of the local agencies will become the exclusive GSA unless the overlap is resolved, which could require making a material change to the posted notice(s). The relevant Water Code sections are excerpted below.

WATER CODE §10723.8

- (c) *The decision to become a GSA shall take effect 90 days after the department posts notice under subdivision (b) if no other local agency submits a notification under subdivision (a) of its intent to undertake groundwater management in all or a portion of the same area. If another notification is filed within the 90-day period, the decision shall not take effect unless the other notification is withdrawn or modified to eliminate any overlap in the areas proposed to be managed. The local agencies shall seek to reach agreement to allow prompt designation of a GSA. If agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted under subdivision (a) and the department shall post notice under subdivision (b).*
- (d) *Except as provided in subdivisions (e) and (f), after the decision to be a GSA takes effect, the GSA shall be presumed to be the exclusive GSA within the area of the basin within the service area of the local agency that the local agency is managing as described in the notice.*

WATER CODE §10726.8

- (b) *Nothing in this part shall be construed as authorizing a local agency to make a binding determination of the water rights of any person or entity, or to impose fees or regulatory requirements on activities outside the boundaries of the local agency.*

CONDITIONS FOR DETERMINING A GSA NOTIFICATION INCOMPLETE

A GSA formation notice could be determined incomplete if the provisions of Water Code §10723.8(a) are not clearly addressed. An incomplete notice will not be posted on DWR's GSA Formation Table – DWR staff will inform local agencies of the reason(s) for not posting. Local agencies will be given an opportunity to provide additional required information, if applicable. A complete notice will be posted within 15 days of being determined complete. Examples of what could deem a GSA formation notification to be incomplete include, but are not limited to, the following:

- Informing DWR of the decision to become a GSA more than 30 days after the decision was made.
- Submitting an incomplete map or insufficient information to clearly define the local agency's service area boundaries with respect to the area of the basin proposed to be managed as a GSA.
 - DWR must be able to determine if one GSA notice overlaps with another GSA notice, and a GIS shapefile may be required to make this determination. *Please submit an accurate shapefile.*
- No copy of a resolution or legal agreement forming the new agency.
- No copy of any new bylaws, ordinances, or new authorities adopted, if applicable.

GSA FORMATION NOTIFICATION GUIDELINES FOR LOCAL AGENCIES

- An incomplete list of interested parties developed pursuant to Water Code §10723.2 or an insufficient explanation of how their interests will be considered by the GSA when developing a GSP.
- Submitting a GSA formation notification for a basin or portion of a basin where a local agency is already presumed to be the exclusive GSA.
- Deciding to become or form a GSA for an area that is outside the service area boundary of the local agency(s) forming the GSA (without a legal coordination agreement).
- Forming a GSA outside the boundaries of a basin defined in DWR's Bulletin 118.

Questions related to GSA formation can be directed to DWR by contacting Mark Nordberg at Mark.Nordberg@water.ca.gov or calling 916-651-9673. Other information and responses to frequently asked questions are located on DWR's GSA webpage at: <http://water.ca.gov/groundwater/sgm/gsa.cfm>.

Please e-mail your GSA formation notification and GIS shape files, and send via postal mail a hardcopy, to the following DWR staff:

Mark Nordberg, GSA Project Manager
Sustainable Groundwater Management Program
California Department of Water Resources
901 P Street, Room 213-B
P.O. Box 942836
Sacramento, CA 94236

DWR Region Office Groundwater Contact
<http://water.ca.gov/groundwater/gwinfo/contacts.cfm>
Bill Ehorn, Northern Region
Bill Brewster, North Central Region
Mike McKenzie, South Central Region
Tim Ross, Southern Region

SELECT SGMA AND GSA RESOURCES

- Sustainable Groundwater Management Website: <http://water.ca.gov/groundwater/sgm/index.cfm>
- 2014 SGMA Legislation Text with 2015 Legislative Amendments:
http://www.water.ca.gov/cagroundwater/docs/2014%20Sustainable%20Groundwater%20Management%20Legislation%20with%202015%20amends%2011-10-2015_clean-2.pdf
- GSA Frequently Asked Questions: see <http://water.ca.gov/groundwater/sgm/gsa.cfm>
- GSA Formation Table: http://www.water.ca.gov/groundwater/sgm/gsa_table.cfm
- GSA Interactive Map: http://water.ca.gov/groundwater/sgm/gsa_map.cfm.
- Water Management Planning Tool: <http://water.ca.gov/groundwater/boundaries.cfm>
- Basin Boundaries Assessment Tool: <http://water.ca.gov/groundwater/sgm/bbat.cfm>
- GIC Interactive Map (Data): http://water.ca.gov/groundwater/MAP_APP/index.cfm



ATTACHMENT A
**PROCESS FOR REVIEWING GSA FORMATION NOTICES AND ADDRESSING
OVERLAPPING SERVICE AREA BOUNDARIES**

1. DWR receives a GSA formation notification (notification or notice) from a local agency(s).
2. DWR reviews the notice for completeness.
 - a. If incomplete, the local agency(s) is contacted and the notice is not posted. DWR informs the local agency(s) of the reason(s) for being determined incomplete – the local agency will be given an opportunity to make the notification complete.
 - b. If complete, the notice is posted on DWR's GSA Formation Table within 15 days.
3. Complete GSA notifications are posted with (1) the posting date and (2) a date that indicates the posting-date-plus-90-calendar-days. This is the active 90-day period for that portion of the basin.
 - a. The GSA area submitted with the notice is included on DWR's GSA Interactive Map after DWR Region Office staff determines the suitability of the GIS shape files. The area included as a shape file must match the area depicted in the notice.
 - b. The 90-day period does not apply to the statutory boundaries of the exclusive local agencies listed in Water Code §10723(c).
4. If no other local agency(s) submits a notification within the 90-day period in all or a portion of the same basin area, the local agency(s) that submitted the notification will become the "exclusive" GSA for the area of the basin as described in the notice.
 - a. Status as "exclusive" GSA will be indicated on the GSA Formation Table and the area claimed by the GSA will be distinctly colored on the GSA Interactive Map.
 - b. If any other local agency(s) submits a notification for all or a portion of an area managed by an "exclusive" GSA, DWR will determine the notification to be incomplete and will contact that local agency(s).
5. If another local agency(s) submits a complete notification within an active 90-day period, and that notification results in an overlap in all or a portion of the same area of an existing notice, then:
 - a. The notification will be included on the GSA Formation Table with a posting date.
 - b. The column with the posting-date-plus-90-days date for all affected notifications will be labeled with "overlap" to indicate a GSA formation overlap.
 - c. The GIS shape files on the GSA Interactive Map for all affected notifications will be labeled with a color that clearly indicates the extent of the GSA formation overlap.
6. All local agencies that are affected by overlapping notifications will remain in overlap status until the conditions stated in Water Code §10723.8(c) are met.
 - a. "Exclusive" designation of a GSA will not proceed unless conflicting notifications are withdrawn or modified to eliminate any overlap in the areas proposed to be managed.
7. If agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted in accordance with Water Code §10723.8(a) and the new notification will be reviewed and posted by DWR as described in this process.
 - a. A material change includes, but is not limited to: a significant GSA boundary revision; a change of local agencies forming the GSA; or a consolidation of local agencies or proposed GSAs through a JPA or MOA or other legal agreement.
8. If overlapping GSA notifications exist in a basin after June 30, 2017, then that basin is subject to probationary status by the SWRCB per Water Code §10735.2(a). In addition, the groundwater extraction reporting requirements in Water Code §5200 *et seq.* apply to the portions of that basin where local agencies have not been determined "exclusive" GSAs.



GROUNDWATER SUSTAINABILITY AGENCY FREQUENTLY ASKED QUESTIONS

The 2014 Sustainable Groundwater Management Act (SGMA) requires the formation of groundwater sustainability agencies (GSAs) in high- and medium-priority groundwater basins and subbasins (basins) by June 30, 2017, in order to meet California Water Code requirements. The following responses to select frequently asked questions are intended to provide general guidance on GSA formation and are subject to change. This information incorporates the 2015 legislative changes to SGMA made by Senate Bill 13 and Assembly Bill 617. As discussed in this document, formation of a GSA is not necessary if a local agency plans to submit an Alternative Plan for an entire basin by January 1, 2017. Additional information about GSAs and the requirement to develop groundwater sustainability plans (GSPs) by 2020 or 2022, or Alternative Plans by 2017, is available on DWR's Sustainable Groundwater Management website included here: <http://water.ca.gov/groundwater/sgm/index.cfm>.

1. Are low- and very-low priority basins subject to the same GSA requirements and SGMA timelines as high- and medium-priority basins?

No. Low- and very-low priority basins are not required to form GSAs and develop GSPs, but local agencies in those basins are encouraged and authorized to do so, especially if they are highly-dependent upon groundwater. Intervention by the State Water Resources Control Board (State Board) does not apply to a basin designated as low- or very-low priority. Local agencies in low- and very-low priority basins can form GSAs and develop GSPs on their own schedule or can update existing (or prepare new) groundwater management plans. A map showing the priority ranking of California's 515 groundwater basins and subbasins is included as Figure 1. *Water Code References: §10720.7, §10723 et seq., §10750 et seq.*

2. Which local agencies are eligible to be GSAs?

Any local public agency that has water supply, water management, or land use responsibilities in a basin can decide to become a GSA. A single local agency can decide to become a GSA, or a combination of local agencies can decide to form a GSA by using either a joint powers authority (JPA), a memorandum of agreement (MOA), or other legal agreement. As discussed in this document, a local agency that submits a GSA formation notice to DWR will not become an exclusive GSA for the portion of a basin within its service area until the conditions of the Water Code are met. *Water Code References: §10721, §10723, §10723.6, §10723.8, §10726.8*

3. Upon deciding to become or form a GSA, what information must a local agency submit in order to have a complete GSA formation notice?

Within 30 days of deciding to become or form a GSA, the local agency or combination of local agencies shall inform DWR of its decision and its intent to undertake sustainable groundwater management. The notification shall contain all the information provided in Water Code §10723.8(a), which includes a description of the portion of the basin the local agency(s) intends to manage. The GSA formation notice will be reviewed for completeness by DWR staff and, if complete, will be posted on DWR's GSA

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Formation Table and included on DWR's GSA Interactive Map. Local agencies will have an opportunity to provide additional information, if applicable, to make a GSA formation notice complete. Additional information about GSAs and what constitutes a completeness review is available on DWR's GSA website: <http://water.ca.gov/groundwater/sgm/gsa.cfm>. *Water Code References: §10721, §10723 et seq.*

4. When does the decision to become a GSA take effect?

The decision to become a GSA will take effect if no other local agency has filed a GSA formation notice for all or a portion of the same area of a basin within 90-days of the initial posted notice, or if existing GSA overlap has been resolved and all applicable Water Code requirements have been met. Once these conditions have been met, the local agency, which has decided to become a GSA, will be identified by DWR as the exclusive GSA for the area described in its notice. DWR will be tracking GSA formation overlap and will recognize exclusive GSAs on its GSA Formation Table. Multiple local agencies or GSAs may, through a JPA or other legal agreement, combine their overlapping service areas to form a single GSA area – the roles and responsibilities of each local agency within the GSA area would be defined in the legal agreement. *Water Code References: §10723(c), §10723(d), §10723.8, §10726.8(b)*

5. What is an exclusive GSA?

An exclusive GSA is a local agency that has submitted its GSA formation notice to DWR and has not incurred, or has resolved, any service area overlap with another local agency that also intends to be a GSA. Only exclusive GSAs can coordinate to develop a GSP for a groundwater basin and submit that GSP to DWR for review. *Water Code References: §10723(c), §10723(d), §10723.8, §10726.8(b)*

6. What is GSA service area overlap and how is it created?

Service area overlap occurs when two or more local agencies decide to claim the same area of a basin (within 90 days of the initial posted notice) for the purposes of forming a GSA. GSA service area overlap may present as jurisdictional boundaries that do not align like adjoining puzzle pieces or service areas that are completely embedded, one within another (see Figure 2). If two or more local agencies separately decide to become GSAs in all or a portion of the same area of a basin (within an active 90-day period) then no exclusive GSA for that area will be designated by DWR until the overlap is resolved. Local agencies are strongly encouraged to collaborate and coordinate their GSA formation efforts prior to submitting a notice to DWR.

As shown on Figure 2, one instance of overlapping GSA service areas might include the jurisdictional boundaries of a city (GSA-1) and an irrigation district (GSA-2) – each local agency has its own legal boundaries within a basin, but some portions of those boundaries may not align seamlessly. A case of embedded service areas could include the jurisdictional boundaries of a county (GSA-1) and an irrigation district (GSA-2) – the county might have land use authority over the entire basin, but an irrigation district could have jurisdiction within the basin, too. As stated in Water Code §10723.8(c), where there is overlap in areas proposed to be managed by local agencies, *the local agencies shall seek to reach agreement to resolve the overlap to allow prompt designation of a GSA*. *Water Code References: §10723 et seq.*

7. How is GSA overlap resolved?

GSA overlap can be resolved by withdrawal or modification of a posted GSA formation notice(s) to eliminate any overlap in the area(s) proposed to be managed. A GSA may withdraw from managing a basin by notifying DWR in writing of its intent to withdraw. According to Water Code §10723.8(c), *if agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted.* Material changes include, but are not limited to, significant GSA boundary changes made by a single local agency, and coordination by legal agreement to combine the boundaries of multiple local agencies or GSAs to form a common GSA area. In such cases, a public hearing and the process of filing a new GSA formation notice with DWR is again required, which will trigger a new 90-day period for that modified portion of the basin described in the notice. A GSA will not be recognized by DWR as an exclusive GSA until overlap in a basin is resolved. *Water Code References: §10723 et seq.*

8. Must the exclusive local agencies listed in Water Code §10723(c) file a GSA formation notice?

Yes. SGMA identifies 15 exclusive local agencies created by statute to manage groundwater within their respective statutory boundaries; however, these exclusive local agencies must still decide to become GSAs. The exclusive local agencies must follow the same public notification process as all other local agencies, although the decision to become a GSA will take effect immediately, as no other local agency can decide to become a GSA in those areas unless one of the exclusive local agencies opts out of its presumed role. *Water Code References: §10723(c), §10723.8*

9. Can a local agency form a GSA for a portion of a basin located outside its service area boundaries?

A local agency may make the decision to become a GSA for an entire basin, but that agency would not be the “exclusive” GSA for any portion of the basin beyond its service area boundaries. Furthermore, a local agency is not authorized to impose fees or regulatory requirements on activities outside the boundaries of the local agency. This regulatory limitation could make implementation of a basin’s groundwater sustainability program problematic and achievement of a basin’s sustainability goal unattainable. Because service area is not defined in SGMA, DWR will rely upon a local agency to define its service area in its GSA formation notice, which is part of Water Code §10723.8(a). *Water Code References: §10723 et seq., §10726.8*

10. If GSA overlap has not been resolved by June 30, 2017, will the county be presumed to be the GSA in the disputed area?

No. Water Code §10724(a) states, *in the event that there is an area within a high- or medium-priority basin that is not within the management area of a GSA, the county within which that unmanaged area lies will be presumed to be the GSA for that area.* An “unmanaged area” as used in Water Code §10724(a) is an area of a basin that has not yet had (or will not have) a local agency file a GSA formation notice with DWR – or, it is an area of a basin that is not within the service area of another GSA-eligible local agency. Water Code §10724 does not give the county exclusive authority to be the GSA in a basin if

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other local agencies (possibly including the county) have also declared their intent to sustainably manage groundwater but have not yet resolved their service area overlap.

In the unmanaged areas where the county is presumed to be the GSA because no other local agency has formed a GSA, the county must still follow the same public notification procedures described in §10723(b) and submit to DWR, prior to June 30, 2017, the information listed in §10723.8(a).

Alternatively, the county can notify DWR in writing that it will not be the GSA for those unmanaged areas and those unmanaged areas shall be subject to groundwater extraction reporting on July 1, 2017, in accordance with Part 5.2 of Division 2 of the Water Code, and could be subject to State Board intervention. *Water Code References: §1529.5, §5200 et seq., §10723 et seq., §10724 et seq., §10735.2*

11. What happens if an entire basin is not covered by an exclusive GSA(s) by June 30, 2017?

Water Code §10735.2(a) says the State Board, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin after June 30, 2017, if a local agency or a collection of local agencies has not decided to become a GSA(s) and develop a GSP(s) for the entire basin – or if a local agency has not submitted an Alternative Plan for the entire basin. If multiple local agencies have decided to become GSAs in a basin, but those decisions *have not taken effect* due to unresolved service area overlap, then those disputed areas would be considered unmanaged areas for the purposes of groundwater extraction reporting, as no exclusive GSA(s) for the entire basin has been established. The local agencies involved in the GSA formation dispute *shall seek to reach agreement to allow prompt designation of a GSA*, and the State Board could intervene if necessary. The groundwater extraction reporting requirements for unmanaged areas of a basin begin on July 1, 2017, and are described in Part 5.2 of Division 2 of the Water Code, commencing with §5200. The State Board's schedule of fees to recover costs associated with its intervention role is described in Water Code §1529.5. *Water Code References: §1529.5, §5200 et seq., §10723 et seq., §10724*

12. Can GSAs in a basin change or restructure after June 30, 2017?

Yes. While this scenario is not specifically addressed in SGMA, there is no reason why a basin's governance structure cannot adapt to either changing conditions or changing roles and responsibilities when developing and implementing a GSP. A clear and legally-concise explanation of a basin's GSA governance structure will be required as part of the GSP in order to determine if the basin's sustainability goal can be reached and its groundwater sustainability program can be implemented. If the governance structure in a basin needs to be modified, then a GSA would need to withdraw from managing its portion of a basin by notifying DWR in writing. As part of the annual reporting requirements for GSAs, the modified GSA governance structure would need to be explained and the legal agreement that coordinates GSAs in a basin would need to be updated, if necessary. In high- and medium-priority basins, if an exclusive GSA opted out of its management role and no other local agency was able to take its place following the GSA formation process, the basin could be subject to intervention by the State Board. *Water Code References: §10723 et seq., §10728, §10728.2, §10733 et seq., §10735.2*

13. Must a GSA be formed if a local agency wants to prepare and submit an Alternative Plan, as described in Water Code §10733.6?

No, but a local agency, including the exclusive local agencies identified in SGMA, must be able to prepare an Alternative Plan for the *entire* basin and submit that Alternative Plan to DWR for review by January 1, 2017. Conversely, if so desired, a GSA can be formed in a basin and that GSA can submit an Alternative Plan rather than a GSP. *Water Code References: §10723(c), §10733.6*

14. What happens if the boundaries of my basin are modified and my basin is reprioritized as a medium- or high-priority basin?

If the priority of a basin changes from low or very-low to medium or high then a local agency(s) shall have two years from the date of reprioritization to either establish an exclusive GSA(s) or submit an Alternative Plan. An exclusive GSA(s) shall have five years from the date of reprioritization to develop and submit a GSP(s) to DWR for review. Revised basin boundaries will be published in DWR's Bulletin 118 in January 2017 and reprioritization of those new basins will be completed soon after. *Water Code References: §10722 et seq., §10933, §12924*

15. Must a GSA be formed if portions of a basin are not adjudicated?

Yes. If there are areas of a high- or medium-priority basin that are not part of an adjudicated action listed Water Code §10720.8, then a GSA should be formed in those areas by June 30, 2017. The response to this question does not address Alternative Plans where management pursuant to an adjudicated action could be used as an Alternative Plan submittal. The GSP emergency regulations will be adopted by June 1, 2016, which will provide additional GSP and Alternative Plan details. *Water Code References: §10720.8, §10721, §10727 et seq., §10733.2, §10733.6, §10735 et seq.*

16. Must a local agency exclude federal and tribal lands from its service area when forming a GSA?

No, federal lands and tribal lands need not be excluded from a local agency's GSA area if a local agency has jurisdiction in those areas; however, those areas are not subject to SGMA. But, a local agency in its GSA formation notice shall explain how it will consider the interests of the federal government and California Native American tribes when forming a GSA and developing a GSP. DWR strongly recommends that local agencies communicate with federal and tribal representatives prior to deciding to become a GSA. As stated in Water Code §10720.3, *the federal government or any federally recognized Indian tribe, appreciating the shared interest in assuring the sustainability of groundwater resources, may voluntarily agree to participate in the preparation or administration of a GSP or groundwater management plan through a JPA or other agreement with local agencies in the basin.* *Water Code References: §10720.3, §10723.2, §10723.8*

17. What are the stakeholder outreach responsibilities for local agencies and GSAs?

Some public outreach requirements in SGMA are prescriptive but others are left to the discretion of the exclusive GSAs recognized in a basin. DWR strongly recommends that GSAs engage a broad range of stakeholders, both within a basin and from the larger hydrologic region if necessary, prior to making local decisions to help build trust and promote public acceptance and support. At a minimum, before deciding to become a GSA and after publication of notice pursuant to Government Code §6066, the local agency or agencies shall hold a public hearing in the county or counties overlying the basin. In its GSA formation notification to DWR, the local agency(s) shall include a list of interested parties developed pursuant to Water Code §10723.2, identify the beneficial uses and users of groundwater within a basin, and provide an explanation of how their interests will be considered in the development, operation, and implementation of the GSA and GSP. GSAs are encouraged to appoint and consult with an advisory committee consisting of interested parties and to facilitate the active involvement of diverse social, cultural, and economic elements of the population within the basin prior to and during the development and implementation of a GSP. *Water Code References: §10723 et seq., §10727.8, §10728.4, §10733 et seq.*

18. How can private entities participate in a GSA and help develop and implement a GSP?

Only local agencies can become or form a GSA, but a water corporation or a mutual water company may participate in a GSA through a MOA or other legal agreement – how the legal agreement is structured to allow participation by private water entities is left up to the GSA to determine. However, as stated in Water Code §10723.6(b), the authority provided to a private water entity through such a legal agreement does not confer any additional powers to that nongovernmental entity. A private water entity could be part of a GSA, but it would not receive any of the powers provided to a GSA. Also, as described in Water Code §10726.5, a GSA may enter into written agreements and funding arrangements with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan. *Water Code References: §10723.6, §10725 et seq., §10726.5*

19. When does a GSA get the powers and authorities defined in SGMA?

An exclusive GSA will receive the powers and authorities defined in SGMA when it submits an adopted GSP or Alternative Plan to DWR. As stated in Water Code §10725, a GSA may exercise any of the powers described in Chapter 5, in addition to, and not as a limitation on, any existing authority, if the GSA adopts and submits to DWR a GSP or an Alternative Plan. If GSAs develop multiple GSPs for a basin, the submission to DWR shall not occur until the entire basin is covered by GSPs. When the entire basin is covered by GSPs, the GSAs shall jointly submit the following: the GSPs; an explanation of how the GSPs implemented together satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire basin; and a copy of the coordination agreement between the GSAs that implements the GSPs for the entire basin. *Water Code References: §10725 et seq., §10733.4, §10733.6*

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To learn more about GSA formation and for water management planning tools, please visit DWR's GSA website: <http://water.ca.gov/groundwater/sgm/gsa.cfm>. Additional questions related to GSAs and DWR's role in posting complete GSA formation notices may be directed to Mark Nordberg at (916) 651-9673 or Mark.Nordberg@water.ca.gov, or by contacting one of DWR's Region Offices at http://water.ca.gov/irwm/resources/rc_finder.cfm.



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FIGURE 1: GROUNDWATER BASIN PRIORITY RANKING

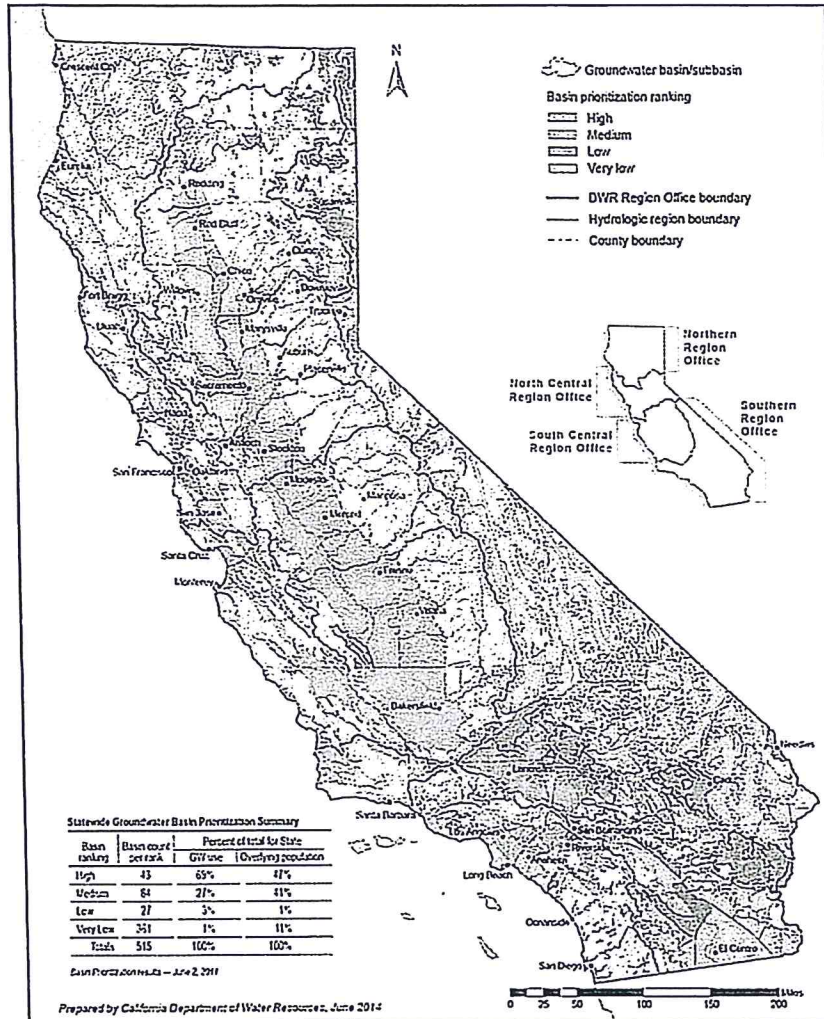
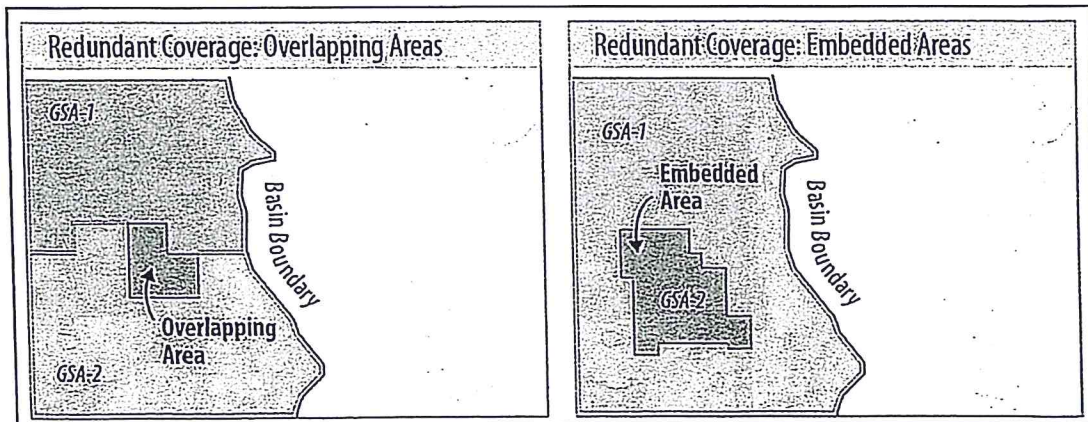


FIGURE 2: EXAMPLES OF GSA FORMATION OVERLAP



Triggering State Intervention

Sustainable Groundwater Management Act (SGMA)

Under a limited set of circumstances, the State Water Resources Control Board (State Water Board) may step in to help protect local groundwater resources. The process of State Water Board intervention is sometimes referred to as the State Backstop or State Intervention, and only occurs when local efforts are not successful. State Intervention requirements remain in place until local efforts are able to sustainably manage groundwater resources.

The following table lists the events that could trigger State Intervention:

Date	Intervention Trigger
After June 30, 2017	No Groundwater Sustainability Agency (GSA) formed.
After January 31, 2020	In high- or medium-priority basins in a condition of critical overdraft: 1) No sustainability plan has been adopted, or 2) The Department of Water Resources (DWR), in consultation with the State Water Board, finds that the sustainability plan or its implementation is inadequate.
After January 31, 2022	In other high- or medium-priority basins: 1) No sustainability plan has been adopted, or 2) DWR, in consultation with the State Water Board, finds the sustainability plan or its implementation is inadequate, and the State Water Board finds that the basin is in a condition of long-term overdraft.
After January 31, 2025	DWR, in consultation with the State Water Board, finds that the sustainability plan is inadequate or the plan is not being implemented in a manner that is likely to achieve the sustainability goal, and the State Water Board finds there are significant depletions of interconnected surface waters.

The earliest the State Water Board can implement the State Intervention is 2017, when local agencies in high- and medium-priority basins must form GSAs. If local agencies fail to form a GSA by July 1, 2017 local groundwater users must begin reporting groundwater use to the State Water Board.

When an intervention trigger occurs, the State Water Board may, in consultation with DWR and through a public process, identify groundwater basins as probationary and develop interim sustainability plans for those basins. The interim plan remains in effect until the State Water Board finds that local efforts will likely achieve groundwater sustainability.

More information at www.waterboards.ca.gov/water_issues/programs/gmp/sgma.shtml#backstop.



Last Updated on October 12, 2015





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WATER CODE - WAT

DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999] (*Heading of Division 6 amended by Stats. 1957, Ch. 1932.*)

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8] (*Part 2.74 added by Stats. 2014, Ch. 346, Sec. 3.*)

CHAPTER 4. Establishing Groundwater Sustainability Agencies [10723 - 10724] (*Chapter 4 added by Stats. 2014, Ch. 346, Sec. 3.*)

10723. (a) Except as provided in subdivision (c), any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.

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

(c) (1) Except as provided in paragraph (2), the following agencies created by statute to manage groundwater shall be deemed the exclusive local agencies within their respective statutory boundaries with powers to comply with this part:

(A) Alameda County Flood Control and Water Conservation District, Zone 7.

(B) Alameda County Water District.

(C) Desert Water Agency.

(D) Fox Canyon Groundwater Management Agency.

(E) Honey Lake Valley Groundwater Management District.

(F) Kings River East Groundwater Sustainability Agency.

(G) Long Valley Groundwater Management District.

(H) Mendocino City Community Services District.

(I) Mono County Tri-Valley Groundwater Management District.

(J) Monterey Peninsula Water Management District.

(K) North Fork Kings Groundwater Sustainability Agency.

(L) Ojai Groundwater Management Agency.

(M) Orange County Water District.

(N) Pajaro Valley Water Management Agency.

(O) Santa Clara Valley Water District.

(P) Sierra Valley Groundwater Management District.

(Q) Willow Creek Groundwater Management Agency.

(2) An agency identified in this subdivision may opt out of being the exclusive groundwater management agency within its statutory boundaries by sending a notice to the department, which shall be posted on the department's Internet Web site within 15 days of receipt. If an agency identified in paragraph (1) opts out of being the exclusive groundwater management agency, any other local agency or combination of local agencies operating within the statutory boundaries of the agency that has opted out may notify the department pursuant to Section 10723.8 of its decision to be the groundwater sustainability agency.

(3) A local agency listed in paragraph (1) may comply with this part by meeting the requirements of Section 10733.6 or opting to become a groundwater sustainability agency pursuant to this section. A local agency with authority to implement a basin-specific management plan pursuant to its principal act shall not exercise any authorities granted in this part in a manner inconsistent with any prohibitions or limitations in its principal act unless

the governing board of the local agency makes a finding that the agency is unable to sustainably manage the basin without the prohibited authority.

(d) The decision of a local agency or combination of agencies to become a groundwater sustainability agency shall take effect as provided in Section 10723.8.

(Amended by Stats. 2016, Ch. 392, Sec. 2.5. Effective January 1, 2017.)

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

(a) Holders of overlying groundwater rights, including:

(1) Agricultural users.

(2) Domestic well owners.

(b) Municipal well operators.

(c) Public water systems.

(d) Local land use planning agencies.

(e) Environmental users of groundwater.

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

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

(h) California Native American tribes.

(i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.

(j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

(Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.)

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

(Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.)

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

(1) A joint powers agreement.

(2) A memorandum of agreement or other legal agreement.

(b) A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity.

(Amended by Stats. 2015, Ch. 255, Sec. 7. Effective January 1, 2016.)

10723.8. (a) Within 30 days of deciding to become or form a groundwater sustainability agency, the local agency or combination of local agencies shall inform the department of its decision and its intent to undertake sustainable groundwater management. The notification shall include the following information, as applicable:

(1) The service area boundaries, the boundaries of the basin or portion of the basin the agency intends to manage pursuant to this part, and the other agencies managing or proposing to manage groundwater within the basin.

(2) A copy of the resolution forming the new agency.

(3) A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.

(4) A list of interested parties developed pursuant to Section 10723.2 and an explanation of how their interests will be considered in the development and operation of the groundwater sustainability agency and the development and implementation of the agency's sustainability plan.

(b) The department shall post all complete notices received under this section on its Internet Web site within 15 days of receipt.

(c) The decision to become a groundwater sustainability agency shall take effect 90 days after the department posts notice under subdivision (b) if no other local agency submits a notification under subdivision (a) of its intent to undertake groundwater management in all or a portion of the same area. If another notification is filed within the 90-day period, the decision shall not take effect unless the other notification is withdrawn or modified to eliminate any overlap in the areas proposed to be managed. The local agencies shall seek to reach agreement to allow prompt designation of a groundwater sustainability agency. If agreement is reached involving a material change from the information in the posted notice, a new notification shall be submitted under subdivision (a) and the department shall post notice under subdivision (b).

(d) Except as provided in subdivisions (e) and (f), after the decision to be a groundwater sustainability agency takes effect, the groundwater sustainability agency shall be presumed to be the exclusive groundwater sustainability agency within the area of the basin within the service area of the local agency that the local agency is managing as described in the notice.

(e) A groundwater sustainability agency may withdraw from managing a basin by notifying the department in writing of its intent to withdraw.

(f) This section does not preclude the board from taking an action pursuant to Section 10735.6.

(Amended by Stats. 2015, Ch. 255, Sec. 8. Effective January 1, 2016.)

10724. (a) In the event that there is an area within a high- or medium-priority basin that is not within the management area of a groundwater sustainability agency, the county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area.

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

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

(2) Fails to provide notification to the department pursuant to Section 10723.8 for an area on or before June 30, 2017.

(Amended by Stats. 2015, Ch. 255, Sec. 9. Effective January 1, 2016.)



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DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999] (*Heading of Division 6 amended by Stats. 1957, Ch. 1932.*)

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8] (*Part 2.74 added by Stats. 2014, Ch. 346, Sec. 3.*)

CHAPTER 5. Powers and Authorities [10725 - 10726.9] (*Chapter 5 added by Stats. 2014, Ch. 346, Sec. 3.*)

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

(b) A groundwater sustainability agency has and may use the powers in this chapter to provide the maximum degree of local control and flexibility consistent with the sustainability goals of this part.

(*Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.*)

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

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

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

(*Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.*)

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

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

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

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

(*Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.*)

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

(*Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.*)

10725.8.

(a) A groundwater sustainability agency may require through its groundwater sustainability plan that the use of every groundwater extraction facility within the management area of the groundwater sustainability agency be measured by a water-measuring device satisfactory to the groundwater sustainability agency.

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

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

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

(e) This section does not apply to de minimis extractors.

(Amended by Stats. 2015, Ch. 303, Sec. 551. Effective January 1, 2016.)

10726. An entity within the area of a groundwater sustainability plan shall report the diversion of surface water to underground storage to the groundwater sustainability agency for the relevant portion of the basin.

(Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.)

10726.2. A groundwater sustainability agency may do the following:

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

(b) Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part, including, but not limited to, the spreading, storing, retaining, or percolating into the soil of the waters for subsequent use or in a manner consistent with the provisions of Section 10727.2. As part of this authority, the agency shall not alter another person's or agency's existing groundwater conjunctive use or storage program except upon a finding that the conjunctive use or storage program interferes with implementation of the agency's groundwater sustainability plan.

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

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

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

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

(Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.)

10726.4. (a) A groundwater sustainability agency shall have the following additional authority and may regulate groundwater extraction using that authority:

(1) To impose spacing requirements on new groundwater well construction to minimize well interference and impose reasonable operating regulations on existing groundwater wells to minimize well interference, including requiring extractors to operate on a rotation basis.

(2) To control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations. Those actions shall be consistent with the applicable elements of the city or county general plan, unless there is insufficient sustainable yield in the basin to serve a land use designated

in the city or county general plan. A limitation on extractions by a groundwater sustainability agency shall not be construed to be a final determination of rights to extract groundwater from the basin or any portion of the basin.

(3) To authorize temporary and permanent transfers of groundwater extraction allocations within the agency's boundaries, if the total quantity of groundwater extracted in any water year is consistent with the provisions of the groundwater sustainability plan. The transfer is subject to applicable city and county ordinances.

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

(b) This section does not authorize a groundwater sustainability agency to issue permits for the construction, modification, or abandonment of groundwater wells, except as authorized by a county with authority to issue those permits. A groundwater sustainability agency may request of the county, and the county shall consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.

(Amended (as added by Stats. 2014, Ch. 346) by Stats. 2014, Ch. 347, Sec. 12. Effective January 1, 2015.)

10726.5. In addition to any other authority granted to a groundwater sustainability agency by this part or other law, a groundwater sustainability agency may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a groundwater sustainability plan or any elements of the plan.

(Added by Stats. 2015, Ch. 666, Sec. 3. Effective January 1, 2016.)

10726.6. (a) A groundwater sustainability agency that adopts a groundwater sustainability plan may file an action to determine the validity of the plan pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure no sooner than 180 days following the adoption of the plan.

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

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance or resolution imposing a new, or increasing an existing, fee imposed pursuant to Section 10730, 10730.2, or 10730.4 shall be commenced within 180 days following the adoption of the ordinance or resolution.

(d) Any person may pay a fee imposed pursuant to Section 10730, 10730.2, or 10730.4 under protest and bring an action against the governing body in the superior court to recover any money that the governing body refuses to refund. Payments made and actions brought under this section shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund of that payment in Article 2 (commencing with Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, as applicable.

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

(Added by Stats. 2014, Ch. 346, Sec. 3. Effective January 1, 2015.)

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

(b) Nothing in this part shall be construed as authorizing a local agency to make a binding determination of the water rights of any person or entity, or to impose fees or regulatory requirements on activities outside the boundaries of the local agency.

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

(d) Notwithstanding Section 6103 of the Government Code, a state or local agency that extracts groundwater shall be subject to a fee imposed under this part to the same extent as any nongovernmental entity.

(e) Except as provided in subdivision (d), this part does not authorize a local agency to impose any requirement on the state or any agency, department, or officer of the state. State agencies and departments shall work cooperatively with a local agency on a voluntary basis.

(f) Nothing in this chapter or a groundwater sustainability plan shall be interpreted as superseding the land use authority of cities and counties, including the city or county general plan, within the overlying basin.

(Amended by Stats. 2015, Ch. 255, Sec. 10. Effective January 1, 2016.)

10726.9.

A groundwater sustainability plan shall take into account the most recent planning assumptions stated in local general plans of jurisdictions overlying the basin.

(Added by Stats. 2014, Ch. 347, Sec. 14. Effective January 1, 2015.)



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DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999] (*Heading of Division 6 amended by Stats. 1957, Ch. 1932.*)

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8] (*Part 2.74 added by Stats. 2014, Ch. 346, Sec. 3.*)

CHAPTER 9. Groundwater Sustainability Agency Enforcement Powers [10732 - 10732.2] (*Chapter 9 added by Stats. 2014, Ch. 347, Sec. 17.*)

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

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

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

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

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

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

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

(*Added by Stats. 2014, Ch. 347, Sec. 17. Effective January 1, 2015.*)

10732.2. If a groundwater sustainability agency finds that a state entity is not working cooperatively regarding implementation of a groundwater sustainability plan, the groundwater sustainability agency may file notice with the board regarding its finding. The board shall notice proceedings to investigate the finding of the groundwater sustainability agency. If the board determines that the failure of the state entity to work cooperatively regarding implementation of a groundwater sustainability plan compromises the ability of the groundwater sustainability agency to implement the plan in a manner that will likely achieve the sustainability goal, the board may direct the state entity to cooperate in the implementation of the groundwater sustainability plan unless the state entity indicates its authority for not complying with a groundwater sustainability plan in the same manner as subdivision (f) of Section 10735.8.

(*Added by Stats. 2015, Ch. 666, Sec. 6. Effective January 1, 2016.*)



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DIVISION 6. CONSERVATION, DEVELOPMENT, AND UTILIZATION OF STATE WATER RESOURCES [10000 - 12999] (*Heading of Division 6 amended by Stats. 1957, Ch. 1932.*)

PART 2.74. Sustainable Groundwater Management [10720 - 10737.8] (*Part 2.74 added by Stats. 2014, Ch. 346, Sec. 3.*)

CHAPTER 11. State Intervention [10735 - 10736.6] (*Chapter 11 added by Stats. 2014, Ch. 347, Sec. 19.*)

10735. As used in this chapter, the following terms have the following meanings:

- (a) "Condition of long-term overdraft" means the condition of a groundwater basin where the average annual amount of water extracted for a long-term period, generally 10 years or more, exceeds the long-term average annual supply of water to the basin, plus any temporary surplus. Overdraft during a period of drought is not sufficient to establish a condition of long-term overdraft if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.
- (b) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or public agency, including any city, county, city and county, district, joint powers authority, state, or any agency or department of those entities. "Person" includes, to the extent authorized by federal or tribal law and subject to the limitations described in subdivisions (c) and (d) of Section 10720.3, the United States, a department, agency or instrumentality of the federal government, an Indian tribe, an authorized Indian tribal organization, or interstate body.
- (c) "Probationary basin" means a basin for which the board has issued a determination under Section 10735.2.
- (d) "Significant depletions of interconnected surface waters" means reductions in flow or levels of surface water that is hydrologically connected to the basin such that the reduced surface water flow or levels have a significant and unreasonable adverse impact on beneficial uses of the surface water.

(*Added by Stats. 2014, Ch. 347, Sec. 19. Effective January 1, 2015.*)

10735.2. (a) The board, after notice and a public hearing, may designate a high- or medium-priority basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After June 30, 2017, none of the following have occurred:

- (A) A local agency has decided to become a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.
 - (B) A collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin.
 - (C) A local agency has submitted an alternative that has been approved or is pending approval pursuant to Section 10733.6. If the department disapproves an alternative pursuant to Section 10733.6, the board shall not act under this paragraph until at least 180 days after the department disapproved the alternative.
- (2) The basin is subject to paragraph (1) of subdivision (a) of Section 10720.7, and after January 31, 2020, none of the following have occurred:
- (A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.
 - (B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.
 - (C) The department has approved an alternative pursuant to Section 10733.6.

(3) The basin is subject to paragraph (1) of subdivision (a) of Section 10720.7 and after January 31, 2020, the department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that

the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal.

(4) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and after January 31, 2022, none of the following have occurred:

(A) A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) A collection of local agencies has adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

(C) The department has approved an alternative pursuant to Section 10733.6.

(5) The basin is subject to paragraph (2) of subdivision (a) of Section 10720.7, and either of the following have occurred:

(A) After January 31, 2022, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition of long-term overdraft.

(B) After January 31, 2025, both of the following have occurred:

(i) The department, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability plan is not being implemented in a manner that will likely achieve the sustainability goal.

(ii) The board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters.

(b) In making the findings associated with paragraph (3) or (5) of subdivision (a), the department and board may rely on periodic assessments the department has prepared pursuant to Chapter 10 (commencing with Section 10733). The board may request that the department conduct additional assessments utilizing the regulations developed pursuant to Chapter 10 (commencing with Section 10733) and make determinations pursuant to this section. The board shall post on its Internet Web site and provide at least 30 days for the public to comment on any determinations provided by the department pursuant to this subdivision.

(c) (1) The determination may exclude a class or category of extractions from the requirement for reporting pursuant to Part 5.2 (commencing with Section 5200) of Division 2 if those extractions are subject to a local plan or program that adequately manages groundwater within the portion of the basin to which that plan or program applies, or if those extractions are likely to have a minimal impact on basin withdrawals.

(2) The determination may require reporting of a class or category of extractions that would otherwise be exempt from reporting pursuant to paragraph (1) of subdivision (c) of Section 5202 if those extractions are likely to have a substantial impact on basin withdrawals or requiring reporting of those extractions is reasonably necessary to obtain information for purposes of this chapter.

(3) The determination may establish requirements for information required to be included in reports of groundwater extraction, for installation of measuring devices, or for use of a methodology, measuring device, or both, pursuant to Part 5.2 (commencing with Section 5200) of Division 2.

(4) The determination may modify the water year or reporting date for a report of groundwater extraction pursuant to Section 5202.

(d) If the board finds that litigation challenging the formation of a groundwater sustainability agency prevented its formation before July 1, 2017, pursuant to paragraph (1) of subdivision (a) or prevented a groundwater sustainability program from being implemented in a manner likely to achieve the sustainability goal pursuant to paragraph (2), (3), (4), or (5) of subdivision (a), the board shall not designate a basin as a probationary basin for a period of time equal to the delay caused by the litigation.

(e) The board shall exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.

(Amended by Stats. 2015, Ch. 255, Sec. 15. Effective January 1, 2016.)

10735.4. (a) If the board designates a basin as a probationary basin pursuant to paragraph (1), (2), or (4) of subdivision (a) of Section 10735.2, a local agency or groundwater sustainability agency shall have 180 days to remedy the deficiency. The board may appoint a mediator or other facilitator, after consultation with affected local agencies, to assist in resolving disputes, and identifying and implementing actions that will remedy the deficiency.

(b) After the 180-day period provided by subdivision (a), the board may provide additional time to remedy the deficiency if it finds that a local agency is making substantial progress toward remedying the deficiency.

(c) The board may develop an interim plan pursuant to Section 10735.8 for the probationary basin at the end of the period provided by subdivision (a) or any extension provided pursuant to subdivision (b), if the board, in consultation with the department, determines that a local agency has not remedied the deficiency that resulted in designating the basin as a probationary basin.

(Amended by Stats. 2015, Ch. 255, Sec. 16. Effective January 1, 2016.)

10735.6. (a) If the board designates a basin as a probationary basin pursuant to paragraph (3) or (5) of subdivision (a) of Section 10735.2, the board shall identify the specific deficiencies and identify potential actions to address the deficiencies. The board may request the department to provide local agencies, within 90 days of the designation of a probationary basin, with technical recommendations to remedy the deficiencies.

(b) The board may develop an interim plan pursuant to Section 10735.8 for the probationary basin one year after the designation of the basin pursuant to paragraph (3) or (5) of subdivision (a) of Section 10735.2, if the board, in consultation with the department, determines that a local agency has not remedied the deficiency that resulted in designating the basin a probationary basin.

(Amended by Stats. 2015, Ch. 255, Sec. 17. Effective January 1, 2016.)

10735.8. (a) The board, after notice and a public hearing, may adopt an interim plan for a probationary basin.

(b) The interim plan shall include all of the following:

(1) Identification of the actions that are necessary to correct a condition of long-term overdraft or a condition where groundwater extractions result in significant depletions of interconnected surface waters, including recommendations for appropriate action by any person.

(2) A time schedule for the actions to be taken.

(3) A description of the monitoring to be undertaken to determine effectiveness of the plan.

(c) The interim plan may include the following:

(1) Restrictions on groundwater extraction.

(2) A physical solution.

(3) Principles and guidelines for the administration of rights to surface waters that are connected to the basin.

(d) Except as provided in subdivision (e), the interim plan shall be consistent with water right priorities, subject to Section 2 of Article X of the California Constitution.

(e) The board shall include in its interim plan a groundwater sustainability plan, or any element of a plan, that the board finds complies with the sustainability goal for that portion of the basin or would help meet the sustainability goal for the basin. Where, in the judgment of the board, an adjudication action can be relied on as part of the interim plan, either throughout the basin or in an area within the basin, the board may rely on, or incorporate elements of, that adjudication into the interim plan adopted by the board.

(f) In carrying out activities that may affect the probationary basin, state entities shall comply with an interim plan adopted by the board pursuant to this section unless otherwise directed or authorized by statute and the state entity shall indicate to the board in writing the authority for not complying with the interim plan.

(g) (1) After the board adopts an interim plan under this section, the board shall determine if a groundwater sustainability plan or an adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters, upon petition of either of the following:

(A) A groundwater sustainability agency that has adopted a groundwater sustainability plan for the probationary basin or a portion thereof.

(B) A person authorized to file the petition by a judicial order or decree entered in an adjudication action in the probationary basin.

(2) The board shall act on a petition filed pursuant to paragraph (1) within 90 days after the petition is complete. If the board, in consultation with the department, determines that the groundwater sustainability plan or adjudication action is adequate, the board shall rescind the interim plan adopted by the board for the probationary basin, except as provided in paragraphs (3) and (4).

(3) Upon request of the petitioner, the board may amend an interim plan adopted under this section to eliminate portions of the interim plan, while allowing other portions of the interim plan to continue in effect.

(4) The board may decline to rescind an interim plan adopted pursuant to this section if the board determines that the petitioner has not provided adequate assurances that the groundwater sustainability plan or judicial order or decree will be implemented.

(5) This subdivision is not a limitation on the authority of the board to stay its proceedings under this section or to rescind or amend an interim plan adopted pursuant to this section based on the progress made by a groundwater sustainability agency or in an adjudication action, even if the board cannot make a determination of adequacy in accordance with paragraph (1).

(h) Before January 1, 2025, the state board shall not establish an interim plan under this section to remedy a condition where the groundwater extractions result in significant depletions of interconnected surface waters.

(i) The board's authority to adopt an interim plan under this section does not alter the law establishing water rights priorities or any other authority of the board.

(Amended (as added by Stats. 2014, Ch. 347) by Stats. 2014, Ch. 348, Sec. 2. Effective January 1, 2015.)

10736. (a) The board shall adopt or amend a determination or interim plan under Section 10735.2 or 10735.8 in accordance with procedures for quasi-legislative action.

(b) The board shall provide notice of a hearing described in subdivision (a) of Section 10735.2 or subdivision (a) of Section 10735.8 as follows:

(1) At least 90 days before the hearing, the board shall publish notice of the hearing on its Internet Web site.

(2) At least 90 days before the hearing, the board shall notify the department and each city, county, or city and county in which any part of the basin is situated.

(3) (A) For the purposes of this paragraph, the terms "board-designated local area" and "local agency" have the same meaning as defined in Section 5009.

(B) At least 60 days before the hearing, the board shall mail or send by electronic mail notice to all persons known to the board who extract or who propose to extract water from the basin, or who have made written or electronic mail requests to the board for special notice of hearing pursuant to this part. If any portion of the basin is within a board-designated local area, the records made available to the board by the local agency in accordance with paragraph (4) of subdivision (d) of Section 5009 shall include the names and addresses of persons and entities known to the local agency who extract water from the basin, and the board shall mail or send by electronic mail notice to those persons.

(c) The board shall provide notice of proceedings to amend or repeal a determination or plan under Section 10735.2 or 10735.8 as appropriate to the proceedings, taking into account the nature of the proposed revision and the person likely to be affected.

(d) (1) Except as provided in paragraphs (2) and (3), Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code does not apply to any action authorized pursuant to Section 10735.2 or 10735.8.

(2) The board may adopt a regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code setting procedures for adopting a determination or plan.

(3) The board may adopt a regulation applying or interpreting this part pursuant to Section 1530 if the board determines that the emergency regulation is reasonably necessary for the allocation, administration, or collection of fees authorized pursuant to Section 1529.5.

(Added by Stats. 2014, Ch. 347, Sec. 19. Effective January 1, 2015.)

10736.2. Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to any action or failure to act by the board under this chapter, other than the adoption or amendment of an interim plan pursuant to Section 10735.8.

(Added by Stats. 2014, Ch. 347, Sec. 19. Effective January 1, 2015.)

10736.4. The extraction or use of water extracted in violation of an interim plan under this part shall not be relied upon as a basis for establishing the extraction or use of water to support a claim in an action or proceeding for determination of water rights.

(Added by Stats. 2014, Ch. 347, Sec. 19. Effective January 1, 2015.)

10736.6. (a) The board may order a person that extracts or uses water from a basin that is subject to an investigation or proceeding under this chapter to prepare and submit to the board any technical or monitoring program reports related to that person's or entity's extraction or use of water as the board may specify. The costs

incurred by the person in the preparation of those reports shall bear a reasonable relationship to the need for the report and the benefit to be obtained from the report. If the preparation of individual reports would result in a duplication of effort, or if the reports are necessary to evaluate the cumulative effect of several diversions or uses of water, the board may order any person subject to this subdivision to pay a reasonable share of the cost of preparing reports.

(b) (1) An order issued pursuant to this section shall be served by personal service or registered mail on the party to submit technical or monitoring program reports or to pay a share of the costs of preparing reports. Unless the board issues the order after a hearing, the order shall inform the party of the right to request a hearing within 30 days after the party has been served. If the party does not request a hearing within that 30-day period, the order shall take effect as issued. If the party requests a hearing within that 30-day period, the board may adopt a decision and order after conducting a hearing.

(2) In lieu of adopting an order directed at named persons in accordance with the procedures specified in paragraph (1), the board may adopt a regulation applicable to a category or class of persons in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

(c) Upon application of a person or upon its own motion, the board may review and revise an order issued or regulation adopted pursuant to this section in accordance with the procedures set forth in subdivision (b).

(d) In conducting an investigation or proceeding pursuant to this part, the board may inspect the property or facilities of a person to ascertain whether the purposes of this part are being met and to ascertain compliance with this part. The board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of an inspection pursuant to this subdivision.

(Added by Stats. 2014, Ch. 347, Sec. 19. Effective January 1, 2015.)