

SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Einen Grandi, *Chairman*

Don Wallace, *Vice Chair*

Paul Roen, *Sierra County Supervisor*

Michael Sanchez, *Plumas County Supervisor*

Greg Ramelli, *Director*

Jim Roberti, *Director*

Tom Rowson, *Director*

March 31, 2017

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

NOTICE OF INTENT TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY

Dear Mr. Nordberg,

As outlined in Senate Bill 1168, Chapter 4, Section 10723(c), the Sierra Valley Groundwater Management District (SVGMD) is deemed to be the exclusive groundwater management agency for the Sierra Valley Groundwater Subbasin. Pursuant to Water Code Section 10723.8, the District hereby notifies the California Department of Water Resources (DWR) of our decision to become the Groundwater Sustainability Agency (GSA) for the portion of the Sierra Valley Subbasin (DWR Basin 5-12.01) within SVGMD boundaries.

After public hearing notifications were published according to Water Code Section 10723(b), the Board of Directors of the SVGMD held a public meeting on the decision to become a GSA on March 13, 2017. Following the hearing, the Board passed Resolution 17-02, establishing the District as the GSA for the Sierra Valley Groundwater Subbasin. No new bylaws, ordinances, or other authorities were adopted in conjunction with the District's decision to become the GSA.

Per Section 10723.2 of the Sustainable Groundwater Management Act, the GSA shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. Acting as a groundwater management District since 1980 under Senate Bill 1391, the SVGMD has enacted several policies and ordinances aimed at protecting this valuable resource for local municipal water retailers and individual well

owners, including domestic, agricultural and industrial users. Other interested parties include land use agencies, community and environmental groups, and the general public.

Should you require any additional information with regard to this notice, please contact Jenny Gant, secretary for SVGMD, at (530) 428-5002 or via email at sierravalleygmd@sbcglobal.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Einar M. Grandi". The signature is fluid and cursive, with a large initial "E" and "G".

Einar Grandi
Sierra Valley Groundwater Management District, Chairman

Attachments:

Exhibit A: Map of GSA Boundaries

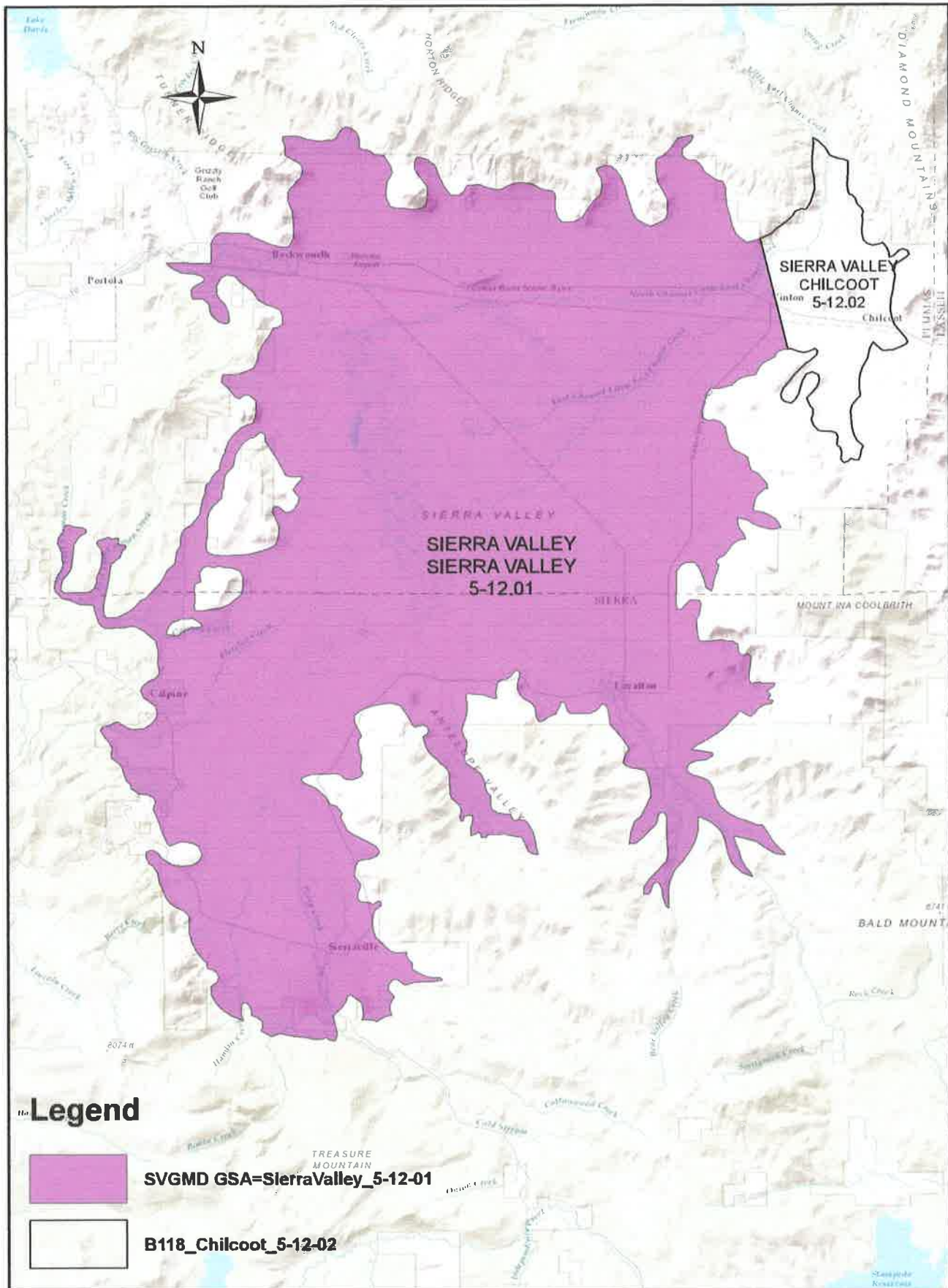
Exhibit B: Notices of Public Hearing

Exhibit C: Resolution 17-02

Exhibit D: SVGMD Founding Legislation - Senate Bill 1391

cc: Michelle Dooley, California Department of Water Resources; Northern Region
Debbie Spangler, California Department of Water Resources; Northern Region

Sierra Valley Groundwater Management District GSA Boundary



0 1.25 2.5 5 7.5 10 Miles

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**NOTICE OF PUBLIC HEARING
Election to Become Groundwater
Sustainability Agency**

NOTICE IS HEREBY GIVEN that, pursuant to Water Code section 10723, the Sierra Valley Groundwater Management District (SVGMD) will hold a public hearing on Monday, March 13, 2017 commencing at 5:30 p.m. at the Golden West Restaurant in Loyalton, CA, to hear comments from the public regarding SVGMD's proposed application to be the Groundwater Sustainability Agency (GSA) for the portion of the Sierra Valley Groundwater Basin within SVGMD legal boundaries. A map of the proposed area can be viewed at <http://sierravalleygmd.org/>.

After the public hearing, SVGMD's Board of Directors is anticipated to take a formal action to submit a notice of intent to the California Department of Water Resources to become the GSA for the aforementioned area. The notice of intent shall be posted pursuant to California Water Code Section 10723.8 and will include a description of the proposed boundaries of the Sierra Valley Basin which SVGMD intends to manage as the GSA in accordance with the Sustainable Groundwater Management Act of 2014.

Written comments may be submitted to SVGMD by 5 p.m. on March 12, 2017. Comments can be emailed to sierravalleygmd@sbcglobal.net or sent via US mail to: SVGMD, PO Box 88, Chilcoot, CA 96105.

Published PR

March 1, 2017] (Portola Reporter)

PUBLIC NOTICE • PUBLIC NOTICE

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Published In The Mountain Messenger February 23 & March 2, 2017

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(Sierra Booster)

**SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT
RESOLUTION NO. 17-02**

*RESOLUTION OF THE BOARD OF DIRECTORS OF THE SIERRA VALLEY GROUNDWATER
MANAGEMENT DISTRICT ELECTING TO BECOME THE GROUNDWATER SUSTAINABILITY
AGENCY UNDER THE 2014 SUSTAINABLE GROUNDWATER MANAGEMENT ACT
FOR THE PORTIONS OF THE SIERRA VALLEY SUBBASIN WITHIN THE
BOUNDARIES OF THE DISTRICT*

WHEREAS, on September 16, 2014 the California Legislature and Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (SGMA); and

WHEREAS, the SGMA went into effect on January 1, 2015 with the intent of enhancing local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide local groundwater agencies with the authority and the technical and financial assistance necessary to manage groundwater in a sustainable fashion; and

WHEREAS, the SGMA requires that each California groundwater basin or subbasin designated as medium- or high-priority by the California Department of Water Resources (DWR) Bulletin 118 be managed by a Groundwater Sustainability Agency (GSA), and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (GSP) or multiple GSPs; and

WHEREAS, the Sierra Valley Subbasin has been deemed by the California DWR to be a medium-priority basin and therefore requires the development of a GSP; and

WHEREAS, the Sierra Valley Groundwater Management District (SVGMD), formed as a joint powers authority under SB1391 in 1980 and created by statute to manage groundwater, is a local agency as defined under Water Code section 10723(c) and is further designated as the exclusive local agency to serve as the GSA within its jurisdictional boundaries within the Sierra Valley Subbasin; and

WHEREAS, establishing the District as the GSA will enable the District to prepare and implement a GSP for the Sierra Valley Subbasin, and to best work with DWR and the State Water Resources Control Board to resolve groundwater issues within the Basin; and

WHEREAS, California Water Code Section 10723.2 of the SGMA requires that a GSA consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing a GSP; and

WHEREAS, California Water Code Section 10723.8 of the SGMA requires that a local agency electing to be a GSA notify DWR of its election and intention to undertake sustainable groundwater management within the Subbasin; and

WHEREAS, after publication pursuant to California Government Code section 6066, the SVGMD held a public hearing on March 13, 2017 to consider whether the District should become a GSA for the Subbasin; and

WHEREAS, at the public hearing the Board of Directors considered oral and written comments to the extent provided by the public; and

WHEREAS, the District desires to exercise the powers and authorities of a GSA granted by the SGMA.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Sierra Valley Groundwater Management District:

1. Hereby elects to be the exclusive Groundwater Sustainability Agency for the portion of the Sierra Valley Subbasin within the boundaries of the District, as identified on the map attached hereto; and
2. Hereby authorizes the District Chairman or his designee to provide a copy of this resolution and a Notice of Intent to the California Department of Water Resources within 30 days and to otherwise comply with the requirements of Water Code Section 10723.8; and
3. Hereby resolves that the District will coordinate with neighboring GSAs that may be established in order to begin the process of developing a GSP for the Subbasin, as indicated by the SGMA.

PASSED AND ADOPTED by the Board of Directors of the Sierra Valley Groundwater Management District at a regular meeting of said Board on March 13, 2017, by the following vote:

AYES: Roberti, Grandi, Wallace, Rowson, Ramelli, Roen, Sanchez

NOES:

ABSENT:

ABSTAIN:



Eimen Grandi, Chairman
Board of Directors

Attest:



Jenny Gant, Secretary
Board of Directors

AMENDED IN ASSEMBLY JUNE 9, 1980
AMENDED IN ASSEMBLY JUNE 4, 1980
AMENDED IN ASSEMBLY APRIL 29, 1980
AMENDED IN SENATE MARCH 17, 1980

SENATE BILL

No. 1391

Introduced by Senators Nejedly, Ayala, and Johnson
(Coauthors: Assemblymen Chappie and Statham)

January 28, 1980

An act relating to the Sierra Valley and Long Valley Groundwater Basins.

LEGISLATIVE COUNSEL'S DIGEST

SB 1391, as amended, Nejedly. Groundwater: Sierra Valley and Long Valley Basins.

(1) Under existing law, there are no specific provisions providing for the management of the Sierra Valley Groundwater Basin.

This bill would enact the Sierra Valley Groundwater Basin Law which would authorize the Boards of Supervisors of Plumas and Sierra Counties to create by a joint exercise of powers agreement a district within described boundaries for the purposes of groundwater management within the Sierra Valley Groundwater Basin. The bill would specify the powers and duties of such district, and would provide for the financing of the district, including the authority to levy, as prescribed, groundwater extraction charges and management charges.

(2) Under existing law, there are no specific provisions pertaining to groundwater management within the Long Valley Groundwater Basin.

This bill would authorize the Boards of Supervisors of Sierra

d Lassen Counties to jointly enter into an agreement with the State of Nevada or Washoe County, or both, for the purposes of groundwater management within the Long Valley Groundwater Basin, as described. The bill would also authorize the Boards of Supervisors of Sierra and Lassen Counties by joint powers agreement to exercise within such basin any of the powers which would be vested in the Sierra Valley Groundwater Management District under the bill. Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

Article 1. Creation

Sec. 101. Articles 1 to 12, inclusive, of this act shall be known and may be cited as the Sierra Valley Groundwater Basin Act.

Sec. 102. The Board of Supervisors of the County of Plumas and the Board of Supervisors of the County of Sierra may, by a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, create a district known and designated as the "Sierra Valley Groundwater Management District" which shall have the boundaries specified in Section 201 and which may exercise the express powers granted by this act for purposes of groundwater management within the Sierra Valley Groundwater Basin, together with such other powers as are reasonably implied and necessary and proper to carry out the objects and purposes of the district. The Legislature hereby finds and declares that the preservation of the groundwater within Sierra Valley for the protection of agricultural and other resources is in the public interest and that the creation of a district pursuant to this act is for the common benefit of the Sierra Valley water users.

Article 2. Boundaries

Sec. 201. For the purposes of this act, the boundaries of the Sierra Valley Groundwater Management District are as follows:

Beginning at the southeast corner of Section 3, Township 21 North, Range 13 East, M.D.M., which is a point on the county line between the Counties of Plumas and Sierra and running thence north one mile along the east line of said Section 3 to the south boundary of Township 22 North, Range 13 East, M.D.M.; thence west one-half mile on the township line to the south quarter section corner of Section 34, Township 22 North, Range 13 East, M.D.M.; thence north 2 miles to the south boundary of Section 22 said township and range; thence east on the section line one-half mile to the section corner common to Sections 22, 23, 26, and 27 of said township and range; thence north on the section line one-half mile to the quarter section corner between Sections 22 and 23, said township and range; thence east one-half mile to the center quarter corner of Section 23, said township and range; thence north one-half mile to the north line of Section 23, said township and range; thence east on the section line one and one-half miles to the range line between Range 13 East and Range 14 East; thence north along said range line to the northwest corner of Section 18, Township 22 North, Range 14 East, M.D.M.; thence east along the north boundary of Section 18, said township and range, to the northeast corner of Section 18, said township and range; thence north one-half mile to the quarter section corner common to Sections 7 and 8, said township and range; thence east one-half mile to the center of Section 8, said township and range; thence north one-half mile to the quarter section corner between Sections 8 and 5, said township and range; thence east on the section line one-half mile to the southeast corner of said Section 5; thence north one mile along the east boundary of said Section 5 to the northeast corner of said Section 5 which is on the south boundary of Township 23 North, Range 14 East, M.D.M.; thence

1 west one-half mile to the south quarter section corner of
 2 Section 32, Township 23 North, Range 14 East, M.D.M.;
 3 thence north one and one-half miles to the center of
 4 Section 29, said township and range; thence east one mile
 5 to the center of Section 28, said township and range;
 6 thence north along the half section lines four and one-half
 7 miles to the north quarter section corner of Section 4, said
 8 township and range;

9 Thence east on the township line sixteen and one-half
 10 miles along the north boundary of Township 23 North to
 11 the northeast corner of Section 6, Township 23 North,
 12 Range 17 East, M.D.M., which is on the easterly boundary
 13 of the County of Plumas;

14 Thence along the easterly boundary of the County of
 15 Plumas south on the section line six miles to the north
 16 corner of Sections 5 and 6, Township 22 North, Range 17
 17 East, M.D.M.; thence south on the section lines two miles
 18 to the corner common to Sections 7, 8, 17, and 18, said
 19 township and range; thence west on the section line
 20 one-half mile to the quarter section corner on the north
 21 line of Section 18, said township and range; thence south
 22 one mile to the north quarter section corner of Section 19,
 23 said township and range; thence west one-half mile to the
 24 northeast corner of Section 24, Township 22 North, Range
 25 16 East, M.D.M.; thence south on the section line one mile
 26 to the southeast corner of said Section 24; thence west on
 27 the section line one mile to the southwest corner of said
 28 Section 24; thence south on the section lines two miles to
 29 the southerly boundary of the County of Plumas at the
 30 southeast corner of Section 35, Township 22 North, Range
 31 16 East, M.D.M.;

32 Thence south on the section line between Sections 1
 33 and 2, Township 21 North, Range 16 East, M.D.M.,
 34 approximately one-quarter mile to the watershed
 35 crestline; thence southerly along the watershed crestline
 36 through Sections 1, 12, 13, 24, and 25, Township 21 North,
 37 Range 16 East, M.D.M.; thence southeasterly along the
 38 watershed crestline through Section 31, Township 21
 39 North, Range 17 East, M.D.M.; thence southerly along the
 40 watershed crestline through Sections 5, 8, 9, 16, 17, 19, 20,

1 29, and 30, Township 20 North, Range 17 East, M.D.M..
 2 thence southwesterly along the watershed crestline
 3 through Sections 25, 36, 35, 34, 33, 28, and 32, Township
 4 20 North, Range 16 East, M.D.M.; thence southwesterly
 5 along the watershed crestline through Sections 5 and 6,
 6 Township 19 North, Range 16 East, M.D.M.; thence
 7 southwesterly along the watershed crestline through
 8 Sections 1, 12, 11, 14, 15, 16, and 17, Township 19 North,
 9 Range 15 East, M.D.M.; thence northwesterly along the
 10 watershed crestline through Sections 24, 23, 22, 15, 16, 17,
 11 8, 7, and 6, Township 19 North, Range 14 East, M.D.M..
 12 thence northerly along the watershed crestline through
 13 Sections 36, 25, 24, 23, 14, 11, 10, and 3, Township 20 North,
 14 Range 13 East, M.D.M.; thence northerly along the
 15 watershed crestline through Sections 35, 34, 27, 26, 23, 13,
 16 14, and 11 to a point on the north line of said Section 11,
 17 which line is also the boundary line between the Counties
 18 of Sierra and Plumas; thence west approximately
 19 three-eighths mile along said section line to the southeast
 20 corner of Section 3, which is also the point of beginning.

Article 3. Definitions

24 Sec. 301. Unless otherwise indicated by their context,
 25 the terms defined in this article govern the interpretation
 26 of this act.

27 Sec. 302. "Available supply" means the quantity of
 28 groundwater which can be withdrawn annually from the
 29 groundwater basin without resulting in or aggravating
 30 conditions of overdraft, subsidence, or groundwater
 31 quality degradation. Available supply of the groundwater
 32 basin includes the average annual natural water supply,
 33 imported water or other water which has been spread to
 34 the basin or otherwise added to the basin, and return
 35 flows to the basin attributable to these sources reaching
 36 the groundwater basin in the course of use.

37 Sec. 303. "Board of directors" means the governing
 38 body of the district created and organized by a joint
 39 powers agreement pursuant to Chapter 5 (commencing
 40 with Section 6500) of Division 7 of Title 1 of the

1 Government Code.

2 Sec. 304. "Development project" means a project
3 undertaken for the purpose of development of property
4 involving the issuance to a person of a lease, permit,
5 license, certificate, or other entitlement for use granted
6 by one or more public agencies, including, but not
7 limited to, any of the following:

8 (a) A tentative map or tentative parcel map required
9 by local ordinance or the Subdivision Map Act
0 (commencing with Section 66410 of the Government
1 Code).

2 (b) A special or conditional use permit.

3 (c) A zone amendment.

4 Sec. 305. "District" means a groundwater
5 management district within the area established by a
6 joint powers agreement pursuant to this act or as
7 designated by this act.

8 Sec. 306. "District off-basin user" means a person
9 extracting groundwater for use on land within the district
0 which does not overlie the groundwater basin.

1 Sec. 307. "Export" means groundwater extracted for
2 use outside the boundaries of the district.

3 Sec. 308. "Extraction" means the act of obtaining
4 groundwater by pumping or other controlled means.

5 Sec. 309. "Extraction facility" means any device or
6 method for the extraction of groundwater within the
7 groundwater basin.

8 Sec. 310. "Groundwater" means water beneath the
9 surface of the earth within the zone below the water
0 table in which the soil is completely saturated with water.
1 "Groundwater" does not include any water which, on the
2 effective date of this act, is subject to appropriation under
3 Part 2 (commencing with Section 1200) of Division 2 of
4 the Water Code.

5 Sec. 311. "Groundwater basin" means the
6 groundwater basin within the boundaries of the district
7 and any subbasins located therein.

8 Sec. 312. "Groundwater rights adjudication" means
9 the determination of substantially all rights in the
0 groundwater basin or the area subject to the adjudication.

1 Sec. 313. "Operator" means the person who operates
2 an extraction facility. "Operator" also means the person
3 to whom the extraction facility is assessed by the county
4 assessor or, if not separately assessed, the person who
5 owns the land upon which an extraction facility is located.

6 Sec. 314. "Overdraft" means the condition of the
7 groundwater basin where the average annual amount of
8 water extracted exceeds the average annual supply of
9 water to the basin, plus any temporary surplus.

10 Sec. 315. "Person" includes any state or local
11 governmental agency, private corporation, firm,
12 partnership, individual, group of individuals, or, to the
13 extent authorized by law, any federal agency.

14 Sec. 316. "Program" means a groundwater
15 management program prepared by the district pursuant
16 to this act.

17 Sec. 317. "Replenishment" means spreading water
18 over a permeable area for the purpose of allowing it to
19 percolate to the groundwater basin, or otherwise adding
20 water to the groundwater basin which without such
21 effort would not augment the groundwater supply.

22 Sec. 318. "Supplemental water" means surface water
23 or groundwater imported from outside the watershed or
24 watersheds of the groundwater basin and flood waters
25 that are conserved and saved within the watershed or
26 watersheds which would otherwise have been lost or
27 would not have reached the groundwater basin.

28 Sec. 319. "Temporary surplus" means the amount of
29 water than can be extracted from the groundwater basin,
30 without adversely affecting the available supply of the
31 groundwater basin, to provide storage space for natural
32 recharge that would be lost during wet years if it could
33 not be stored in the groundwater basin.

34 Sec. 320. "Water year" means the period from
35 October 1 of one calendar year to September 30 of the
36 following calendar year.

37 Sec. 321. "Well interference" means a substantial
38 water level decline in a short time period in a localized
39 area caused by pumping from extraction facilities.

40 Sec. 322. "Zone of benefit" means an area, including,

1 but not limited to, subbasins, within the district which
2 will benefit from planning, studies, or any management
3 program undertaken by the district in a manner different
4 from other areas or subbasins within the district.

Article 4. General Provisions

8 Sec. 401. The joint powers agreement creating the
9 district shall prescribe the form and organization of the
10 board of directors of the district. The board of directors
11 shall be the governing body of the district and shall
12 exercise the powers of the district as set forth in this act.

13 Sec. 402. The rights and powers granted to the
14 counties and the districts by this act are in addition to
15 those powers which they already have or those which
16 may be granted. No provision of this act shall be
17 interpreted as denying to the counties or the districts any
18 rights or powers they already have or those which they
19 may be granted, except as specifically provided for in this
20 act.

21 Sec. 403. The district may establish penalties for
22 violations of district ordinances that are in addition to
23 ~~penalties the remedies~~ specified in this act.

24 Sec. 404. Any ordinance adopted pursuant to this act
25 may become effective upon adoption. Within 10 days
26 after its adoption, the ordinance shall be published
27 pursuant to Section 6061 of the Government Code. From
28 and after the publication, any person who does not
29 comply with the provisions of an ordinance may be liable
30 civilly for a sum not to exceed one thousand dollars
31 (\$1,000) for each day an ordinance is not complied with,
32 in addition to any other penalties established pursuant to
33 Section 403.

34 Sec. 405. The district may exclude from any of the
35 requirements of this act any operator who extracts a
36 minimum amount of groundwater as specified in an
37 ordinance adopted by the board of directors after notice
38 and hearing.

39 ~~Sec. 406. (a) Within 60 days after publication of any~~
40 ~~ordinance or resolution establishing or in furtherance of~~

1 a groundwater management program; any interested
2 party may file with the superior court a petition for writ
3 of mandate for the review thereof. Failure to file such an
4 action shall not preclude a party from challenging the
5 reasonableness and validity of such an ordinance or
6 resolution in any judicial proceedings brought to enforce
7 such ordinance or resolution or for such other civil
8 remedies, including the imposition of civil penalties. The
9 right to seek judicial review shall not be affected by the
10 failure to seek reconsideration from the board of
11 directors.

12 (b) In all cases involving actions by the district
13 pursuant to Article 6 (commencing with Section 601);
14 Sections 702 to 712, inclusive; or Article 8 (commencing
15 with Section 801); 9 (commencing with Section 901); or
16 10 (commencing with Section 1001); the decision of the
17 board of directors shall be sustained if there is substantial
18 evidence in the record that supports the decision.

19 (c) In all cases involving actions by the district
20 pursuant to Section 714, 716, 717, 718, 719, 720, or 721, the
21 court shall exercise its independent judgment on the
22 evidence.

23 Sec. 406. Any proceeding challenging any ordinance
24 or resolution of the district shall be commenced within 60
25 days of adoption of the ordinance or resolution by the
26 district.

27 Sec. 407. The board of directors may reconsider all or
28 part of a decision on petition of any person affected by
29 the decision. Any such petition shall be filed with the
30 district within 15 days after adoption of the decision by
31 the board of directors. The board of directors shall decide
32 whether to reconsider its decision within 60 days after the
33 petition is filed.

Article 5. Studies and Investigations

37 Sec. 501. The district may carry on technical and
38 other necessary investigations of all kinds and collect data
39 necessary to carry out the provisions of this act. The
40 district shall have the right of access to all properties

1 within the district to the extent permitted by the United
2 States Constitution and the California Constitution.

3 Sec. 502. The district may cooperate and contract
4 with federal, state, and local governmental agencies in
5 the conduct and performance of all investigations,
6 studies, and data collection.

7 Sec. 503. All investigations and studies carried out by
8 or on behalf of the district shall be conducted by licensed
9 engineers or experts in groundwater geology or
10 hydrology. ~~The district shall not implement groundwater~~
11 ~~management programs until any necessary studies have~~
12 ~~been completed and the board of directors has received~~
13 ~~recommendations from its engineers and consultants.~~
14 ~~hydrology.~~

15 Sec. 504. The district may prepare annually a report
16 on groundwater supplies and conditions in the district,
17 including groundwater management objectives and a
18 plan of implementation of those objectives.

19 Article 6. Registration of Groundwater Extraction

20 Sec. 601. The district may require extraction facilities
21 to be registered with the district and, if required by the
22 board of directors, measured with a water flow measuring
23 device installed and calibrated by the district or, at its
24 option, by the extraction facility operator. The district
25 may also require any new extraction facility which is
26 constructed, existing extraction facility which is
27 deepened, or abandoned extraction facility which is
28 reactivated to be registered with the district within 30
29 days of completion of construction, deepening, or
30 reactivation, and, if required by the board of directors,
31 measured with a water flow measuring device installed
32 and calibrated by the district or, at its option, by the
33 extraction facility operator.

34 Sec. 602. In addition to other information which the
35 district may require, the district may require for each
36 registered extraction facility information as to the
37 operator of each extraction facility, the owner of the land
38 upon which each extraction facility is located, and a

1 general description of the equipment associated with
2 each extraction facility and the location of each water
3 extraction facility.

4 Sec. 603. It shall be unlawful to extract groundwater
5 from any extraction facility required to be registered
6 unless the extraction facility has been registered with the
7 district and, if required, has a water flow measuring
8 device affixed. Any person who does not comply with the
9 provisions of this section shall be liable civilly for a sum
10 not to exceed one thousand dollars (\$1,000) for each day
11 the provisions are not complied with, in addition to any
12 other penalties established pursuant to Section 403.

13 Sec. 604. The district may, after notice and hearing,
14 and based upon the findings and determinations from the
15 hearing, require the operator of each extraction facility,
16 until the extraction facility has been permanently
17 abandoned, to file with the district, by a date established
18 by the board of directors, a statement relative to
19 groundwater extraction, including, but not limited to,
20 total extraction in acre-feet of water from each extraction
21 facility for the preceding water year, the static
22 groundwater level for each extraction facility, a general
23 description or number locating each extraction facility,
24 crop type and acreage served by the extraction facility,
25 and the method of measuring or computing groundwater
26 extraction. The statement shall be verified by a written
27 declaration that it is made under penalty of perjury. The
28 operator of an extraction facility which has been
29 permanently abandoned shall give written notice of the
30 abandonment to the district.

31 Sec. 605. When a water flow measuring device is used
32 at an extraction facility, the record of extraction, as
33 disclosed by the water flow measuring device, shall be
34 presumed to be accurate and shall be used as the basis for
35 computing the water extraction of the extraction facility
36 in completing the groundwater extraction statement.
37 The district may require proof of the accuracy of the
38 water flow measuring device from the operator and may,
39 absent adequate proof of accuracy, order the operator to
40 have the water flow measuring device calibrated in a

1 manner acceptable to the district. If the district has
2 probable cause to believe that the extraction of
3 groundwater from any extraction facility is in excess of
4 the amount reported in groundwater extraction
5 statements, or if no statements are filed covering an
6 extraction facility, the district may investigate the
7 extraction of water from each such extraction facility.

8 Sec. 606. The board of directors may establish
9 reasonable methods to be used in computing the amount
10 of water extracted by extraction facilities.

11 Sec. 607. Any person who does not file a groundwater
12 extraction statement, if required, or any person who
13 injures, alters, removes, resets, adjusts, manipulates,
14 obstructs, or in any manner interferes or tampers with, or
15 procures, or causes, or directs any person to injure, alter,
16 remove, reset, adjust, manipulate, obstruct, or in any
17 manner interfere or tamper with, any water flow
18 measuring device affixed to any facility as required by
19 this act so as to cause the water flow measuring device
20 improperly or inaccurately to measure and record water
21 extraction, or any person who, with intent to evade any
22 provision or requirement of this act, files with the district
23 any false or fraudulent groundwater extraction statement
24 shall be liable civilly in a sum of not to exceed one
25 thousand dollars (\$1,000).

26 Article 7. Powers of the District

27
28
29 ~~Sec. 701: If, upon completion of any investigation or~~
30 ~~study authorized by Article 5 (commencing with Section~~
31 ~~501); or the results of any measurement program~~
32 ~~conducted pursuant to Article 6 (commencing with~~
33 ~~Section 601); the board of directors determines that~~

34 *Sec. 701. If it appears to the board of directors that*
35 *groundwater management activities may be necessary, it*
36 *the board of directors shall give notice of and hold a*
37 *hearing to receive evidence on the need for such a*
38 *program and on the form and scope of the management*
39 *activities required.*

40 Sec. 702. If, upon conclusion of the hearing, and on

1 the basis of the hearing record, which shall include
2 consideration of any relevant investigations, studies, or
3 results described in Section 701 performed pursuant to
4 Article 5 (commencing with Section 501) and Article 6
5 (commencing with Section 601), the board of directors
6 determines there is substantial evidence showing that
7 management in the form proposed is necessary for the
8 sound management of the groundwater within the
9 groundwater basin, the district may, by ordinance,
10 exercise any of the following powers:

11 (a) The district may store water in and recapture
12 water from surface reservoirs or groundwater basins
13 within the district.

14 (b) The district may acquire water and water rights
15 within or outside of the district.

16 (c) The district may purchase and import water into
17 the district.

18 (d) The district may conserve and reclaim water
19 within or outside of the district and require conservation
20 practices and measures within the district.

21 (e) The district may buy and sell water and water
22 rights at such rates as shall be determined by the board
23 of directors.

24 (f) The district may exchange water and water rights.

25 (g) The district, in order to improve and protect the
26 quality of groundwater supplies *or to respond to, and*
27 *rectify, conditions of subsidence*, may treat, inject,
28 extract, or otherwise control water, including, but not
29 limited to, control of extractions, well construction and
30 drainage problems. Such powers shall include the right to
31 regulate extractions from extraction facilities, the
32 construction of new extraction facilities, the enlarging of
33 existing facilities, or the reactivation of abandoned
34 extraction facilities *and to limit or suspend exports from*
35 *the district or basin.*

36 (h) The district may regulate groundwater
37 replenishment programs and recapture supplemental
38 groundwater resulting from such programs within the
39 district as provided by this act. The district shall have the
40 power to determine the amount of groundwater basin

1 storage space available and to allocate groundwater basin
2 storage space within the groundwater basin.

3 (i) The district, or other persons pursuant to an
4 agreement with the district, shall have the sole right to
5 store and recapture water in the groundwater basin.

6 (j) The district may commence and prosecute actions
7 to enjoin unreasonable uses or methods of use of water
8 within the district or outside of the district to the extent
9 such uses or methods of use affect the groundwater
10 supply within the district.

11 Sec. 703. The district may impose spacing
12 requirements on new extraction facility construction to
13 minimize well interference.

14 Sec. 704. The district may, at the request of a district
15 water user, impose reasonable operating regulations on
16 extraction facilities to minimize well interference. Such
17 regulations may, where feasible, require pumpers to
18 operate on a rotation basis. Rotation shall not be deemed
19 feasible if it would require an overlying owner to
20 construct a new well to irrigate the acreage being
21 irrigated by a single existing well.

22 Sec. 705. (a) The district may, at the request of a
23 water user, and after notice to all affected persons,
24 convene a hearing to ascertain if the legal rights of the
25 complaining water user have been infringed by the
26 extractions of any other operator within the district.

27 (b) *If it is necessary to determine the amount of
28 groundwater that a person has a legal right to, the district
29 shall do so primarily on the basis of the number of
30 overlying acres that the complaining water user owns or
31 leases in proportion to the total number of acres
32 overlying the basin or subbasin. In order to avoid extreme
33 hardship and achieve an equitable distribution, the
34 district may adjust either up or down any amount so
35 arrived at for any of the following factors:*

36 (1) *Wasteful or inefficient use.*

37 (2) *Recent historical use.*

38 (3) *Reduction or suspension of extractions required by
39 the district to implement any groundwater management
40 program.*

1 (4) *Any other factors that the district reasonably feels
2 it should consider in order to avoid extreme hardship and
3 achieve an equitable distribution.*

4 (c) If, on the basis of the hearing record, the board of
5 directors determines that the legal rights of the
6 complaining water user have been infringed, the board of
7 directors may make such orders as are necessary to
8 provide the complaining water user with an adequate
9 remedy.

10 ~~(e)~~

11 (d) The district may petition the appropriate superior
12 court for enforcement of its order.

13 *Sec. 705.1. In order to preserve and manage the
14 groundwater resources of the district, the district may
15 commence, maintain, intervene in, defend and
16 compromise, and assume the costs and expenses incurred
17 by the district in actions and proceedings now or
18 hereafter begun to adjudicate the groundwater basin.*

19 *Sec. 705.3. If any court is petitioned to adjudicate the
20 groundwater basin or any part thereof, whether the
21 petition is filed by the district or by any person, the court
22 shall base any judgment, ruling, or findings of fact
23 primarily on the number of overlying acres that the
24 parties own in proportion to the total number of
25 overlying acres in the basin or subbasin. In order to avoid
26 extreme hardship and to reach an equitable distribution,
27 the court may adjust any amounts so arrived at for any of
28 the following factors:*

29 (a) *Wasteful or inefficient use.*

30 (b) *Recent historical use.*

31 (c) *Reduction or suspension of extractions required by
32 the district.*

33 (d) *Any other factors that the court feels it should
34 consider in order to reach an equitable distribution.*

35 Sec. 706. (a) No groundwater shall be exported from
36 the district unless the exporter has applied for and
37 obtained a permit from the district which establishes the
38 quantity of water which may be exported and the
39 conditions on such export. Notwithstanding any
40 conditions specified in the permit, exporters shall be

subject to the provisions of Section 707.

(b) The district shall not issue any permit to export water from the district unless the applicant has established that there is an available supply as defined in this act, in excess of the amount currently required for reasonable and beneficial uses within the district, and the board of directors determines that such export, if permitted, would not adversely affect the rights of groundwater users within the district. The district shall issue permits for export for such time periods and under such terms and conditions as it deems appropriate. All permits shall state that they are subject to the right of the district to reduce or suspend exports as provided for in this act.

Sec. 707. The district shall, after published notice and a hearing which discloses evidence of overdraft, or subsidence, or groundwater quality degradation, or threat of any of the foregoing threat of overdraft, reduce or suspend extractions by exporters regardless of whether a permit to export has been granted pursuant to this act.

Sec. 708. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction by exporters will be insufficient to eliminate existing or threatened conditions of overdraft, subsidence, or groundwater quality degradation, the district may limit or suspend extraction by district off-basin users.

Sec. 709. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction by both exporters and district off-basin users will be insufficient to eliminate existing or threatened conditions of overdraft, subsidence, or groundwater quality degradation, the district may limit or suspend extractions by overlying users. Any such limitation or suspension of extraction shall be done on a proportionate basis in either an entire subbasin or in the entire basin.

Sec. 709. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction

1 by both exporters and district off-basin users will be
2 insufficient to eliminate existing or threatened conditions
3 of overdraft, the district may limit or suspend extractions
4 by overlying users.

5 (b) In the event that the district limits or suspends
6 extractions by overlying users, rights to the use of the
7 available supply of groundwater shall be allocated
8 primarily on the basis of the number of acres that an
9 overlying user owns or leases in proportion to the total
10 number of acres overlying the basin or subbasin. The
11 district may adjust any figure so arrived at up or down for
12 any of the following factors:

13 (1) The number of acres actually irrigated compared
14 to the number of acres owned or leased.

15 (2) Crop type.

16 (3) Wasteful or inefficient use.

17 (4) Recent historical use.

18 (5) Any other factors that the district reasonably feels
19 it should consider in order to reach an equitable
20 distribution.

21 (c) In the event that an overlying user is allocated less
22 than an amount exactly proportionate to the number of
23 overlying acres he owns or leases, he shall have the right
24 to have the size of his allocation increased if he proposes
25 to reasonably increase his groundwater use. This shall
26 include, but not be limited to, a proposal to irrigate
27 additional acres that previously were not irrigated. The
28 allocation may be increased up to an amount exactly
29 proportionate to the number of overlying acres he owns
30 or leases, adjusted for the factors set forth in subdivision
31 (b), to the extent that such factors are applicable.

32 (d) The district may postpone the effective date of any
33 increase authorized in subdivision (c) to the start of the
34 next water year. The district may also establish a date by
35 which any application shall be submitted in order to be
36 effective at the start of the next water year.

37 Sec. 710. If the district has imposed proportionate
38 reductions on overlying owners pursuant to Section 709,
39 no operator may extract groundwater from a new,
40 enlarged, or reactivated extraction facility for use on

1 overlying land within the district until the operator has
2 applied for and received a permit from the district.

3 Sec. 711. The district shall grant the permit referred
4 to in Section 710 upon determining the operator's
5 proportionate share of the available supply from the
6 groundwater basin or subbasin and may limit the
7 operator's right to extract groundwater to such
8 proportionate share. To the extent necessary, the district
9 shall adjust the authorized extractions by other overlying
10 water users.

11 Article 8. Groundwater Extraction Charges

12 Sec. 801. (a) Groundwater extraction charges levied
13 pursuant to this act are declared to be in furtherance of
14 district activities to manage groundwater resources in the
15 groundwater basin which are necessary for the public
16 health, welfare, and safety of the people of the state.
17 Groundwater extraction charges are charges for the
18 groundwater management services rendered by the
19 district and shall only be used to finance or otherwise
20 support such services.

21 (b) Groundwater extraction charges are authorized to
22 be levied for the benefit of all who rely directly or
23 indirectly upon the groundwater resources of the district.
24 Groundwater extraction charges are authorized to be
25 levied upon the extraction of groundwater from all
26 groundwater extraction facilities, except the extraction of
27 water stored pursuant to a groundwater storage
28 agreement or other storage commenced before the
29 creation of the district, and except upon the use of
30 supplemental water as an alternate source in lieu of
31 groundwater.

32 Sec. 802. (a) Groundwater extraction charges may
33 be levied for the purpose of purchasing water to
34 replenish the groundwater supply in the district.
35 Groundwater extraction charges may also be levied for
36 the purpose of paying the costs of initiating, carrying on,
37 and completing any of the powers, projects, and purposes
38 set forth in Articles 6 (commencing with Section 601) and
39)

1 7 (commencing with Section 701) of this act. These
2 activities shall be consistent with the rendering of
3 groundwater management services by the district.

4 (b) Groundwater extraction charges shall be levied
5 only within a zone or zones of benefit of the district which
6 will benefit from the management activities set forth in
7 Articles 6 (commencing with Section 601) and 7
8 (commencing with Section 701) of this act.

9 Sec. 803. (a) Before the levy of groundwater
10 extraction charges, the board of directors shall, after
11 notice and hearing, find and determine on the basis of the
12 hearing record and any investigations or reports
13 prepared pursuant to this act, the amount of water which
14 is required and can be purchased for the replenishment
15 of groundwater supplies in the district for the ensuing
16 water year and the sum of money necessary for that
17 purpose, and the activities required to prepare or
18 implement any groundwater management program for
19 the district and to initiate, carry on, or complete any of
20 the other powers, projects, and purposes set forth in
21 Articles 6 (commencing with Section 601) and 7
22 (commencing with Section 701) of this act and the sum
23 of money necessary for those activities.

24 (b) The board of directors shall determine the need
25 and desirability of levying a groundwater extraction
26 charge for the purpose of purchasing water to replenish
27 the groundwater supply in any zone or zones of benefit,
28 or for the purpose of paying the costs of initiating,
29 carrying on, and completing any of the powers, projects,
30 and purposes set forth in Articles 6 (commencing with
31 Section 601) and 7 (commencing with Section 701) of this
32 act. The board of directors shall find that the charge is
33 necessary to finance or otherwise support the
34 groundwater management services provided by the
35 district.

36 Sec. 804. The groundwater extraction charge rate
37 shall be uniform for groundwater extraction within each
38 zone of benefit in the district.

39 Sec. 805. Groundwater extraction charges shall be
40 calculated on the basis of groundwater extraction

1 Article 10. Zones of Benefit and Assessment Districts

2
3 Sec. 1001. The district may use the Improvement Act
4 of 1911, the Municipal Improvement Act of 1913, the
5 Improvement Act of 1915, or the Revenue Bond Law of
6 1941 for the construction of any facilities authorized to be
7 constructed by the district under the provisions of this
8 act.

9 Sec. 1002. (a) The board of directors may establish
10 zones of benefit within the district. Resolutions of the
11 board of directors shall describe the boundaries of the
12 zones of benefit.

13 (b) The board of directors may amend zone of benefit
14 boundaries by annexing property to or by withdrawing
15 property from a zone, or may divide a zone into two or
16 more zones. Resolutions of the board of directors shall
17 describe the boundaries of the amended or divided
18 zones.

19
20 Article 11. Development Projects

21
22 Sec. 1101. After creation of the district, any person
23 seeking approval from a local agency having land use
24 jurisdiction of a development project proposed to be
25 located wholly or in part within the boundaries of the
26 district and which proposes to extract groundwater for
27 service of water shall, at the time of filing an application
28 with such local agency, file with the district documents
29 describing the proposed sources of water, the amount of
30 water required, the amounts of groundwater previously
31 used on the property proposed to be developed, and such
32 other information as the district may reasonably require.

33 Sec. 1102. The district shall be considered a
34 "responsible agency," as defined in Section 65933 of the
35 Government Code, and shall submit the resolution
36 described in Section 1103 within the time period
37 established by Section 65952 of the Government Code.
38 The application for the development project shall be
39 deemed complete for purposes of Chapter 4.5
40 (commencing with Section 65920) of Division 1 of Title

1 7 of the Government Code when the information
2 required by Section 1101 has been provided to the district
3 and when the information required by Section 65943 of
4 the Government Code has been provided to the local
5 agency with land use jurisdiction.

6 Sec. 1103. Within the time period established by
7 Section 1102, the district shall adopt a resolution making
8 findings with respect to the development project. In
9 making its findings, the district shall be governed by the
10 following criteria:

11 (a) If the proposed development project will not use
12 more groundwater than is presently being used on the
13 property to be developed, the district shall inform the
14 local agency that groundwater is available to meet the
15 reasonable needs of the development project.

16 (b) If the proposed development project would result
17 in a new or increased groundwater use and the district
18 finds that there is groundwater available to serve the
19 reasonable water needs of the development project, the
20 district shall so inform the local agency.

21 (c) If the development project is proposed to be
22 located on nonoverlying land within the district, and the
23 district finds that if exports of groundwater from the
24 district were reduced or suspended there would be
25 groundwater available to serve the reasonable water
26 needs of the development project, the district shall
27 inform the local agency that the development project can
28 be served by groundwater extracted within the district.

29 (d) If the development project is proposed to be
30 located on nonoverlying land, and if reduction or
31 suspension of exports would not result in sufficient
32 groundwater to serve the reasonable needs of the
33 development project, the district shall inform the local
34 agency of the amount of groundwater, if any, which is
35 available to serve the development project.

36 (e) If the development project is proposed to be
37 located on land which overlies the groundwater basin
38 and the district determines that it is necessary to allocate
39 the water supply available from the groundwater basin or
40 any subbasin among the overlying lands on a

1 proportionate basis, the district shall determine and
 2 inform the local agency of the development project's
 3 proportionate share of the available groundwater supply.

4 (f) The district shall inform the local agency of any
 5 subsidence or groundwater quality degradation problems
 6 which it determines would result from the extraction of
 7 water for the development project.

8 Sec. 1104. No local agency having land use jurisdiction
 9 shall approve a development project which, to meet its
 10 reasonable needs, will require more groundwater than
 11 has been found to be available by the district pursuant to
 12 Section 1103, or if the district has determined that
 13 groundwater extraction will cause significant subsidence
 14 or groundwater quality degradation.

15 Sec. 1105. Nothing in this article shall be interpreted
 16 as limiting the district's general powers to regulate
 17 groundwater extraction and use in development projects
 18 in the same manner as other extractions and use within
 19 the district.

20 Article 12. Enforcement Powers

21 Sec. 1201. Upon the failure of any person to comply
 22 with any of the provisions of this act, including, but not
 23 limited to, registration of extraction facilities and
 24 installation of measuring devices, filing of statements,
 25 payment of extraction charges, or payment of
 26 management charges, or upon failure of any person to
 27 comply with any ordinance duly adopted by the board of
 28 directors pursuant to this act, the district may petition the
 29 superior court of a county in which the district lies for a
 30 temporary restraining order or preliminary or
 31 permanent injunction prohibiting the person from
 32 operating an extraction facility or for such other
 33 injunctive relief as may be appropriate. The temporary
 34 restraining order shall be returnable to the court on or
 35 before 10 days after its issuance.

36 Sec. 1202. The right to proceed for injunctive relief is
 37 an additional right to those which may be provided
 38 elsewhere in this act or otherwise allowed by law. The
 39
 40

1 district shall not be required to provide an undertaking
 2 or bond as a condition of a grant of injunctive relief.

3 Sec. 1203. In any action brought pursuant to this act
 4 in which a temporary restraining order, preliminary
 5 injunction, or permanent injunction is sought, it shall not
 6 be necessary to allege or prove at any stage of the
 7 proceeding that irreparable damage will occur should the
 8 temporary restraining order, preliminary injunction, or
 9 permanent injunction not be issued, or that the remedy
 10 at law is inadequate, and the temporary restraining
 11 order, preliminary injunction, or permanent injunction
 12 shall issue without such allegations and without such
 13 proof.

14 Sec. 1204. The district may petition the superior court
 15 of a county in which the district lies to recover any sums
 16 due to the district pursuant to any provision of this act.
 17 The district shall make such request only after a hearing
 18 with due notice of the hearing given to all affected
 19 persons.

20 Sec. 1205. Remedies under this article are in addition
 21 to, and do not supersede or limit, any and all other
 22 remedies, civil or criminal.

23 Sec. 1206. All moneys collected by the district
 24 pursuant to this act shall be placed in an account and shall
 25 be available without regard to fiscal year for expenditure
 26 by the district in carrying out its groundwater
 27 management functions pursuant to this act.

28 Article 13. Long Valley Groundwater Basin

29 Sec. 1301. The Board of Supervisors of the County of
 30 Lassen and the Board of Supervisors of the County of
 31 Sierra may jointly enter into an agreement with the State
 32 of Nevada or the County of Washoe, or both, for the
 33 purposes of groundwater management within the Long
 34 Valley Groundwater Basin. The Board of Supervisors of
 35 the County of Lassen and the Board of Supervisors of the
 36 County of Sierra may, by a joint powers agreement
 37 entered into pursuant to Chapter 5 (commencing with
 38 Section 6500) of Division 7 of Title 1 of the Government
 39
 40

1 Code, exercise any of the powers set forth in Sections 402
2 to 407, inclusive, and Articles 5 (commencing with
3 Section 501) to 12 (commencing with Section 1201),
4 inclusive, of this act within the Long Valley Groundwater
5 Basin.

6 Sec. 1302. For the purposes of this act, the boundaries
7 of the Long Valley Groundwater Basin are as follows:

8 (a) All that land in Lassen County lying southerly of a
9 line described as follows: In T24N, R18E, M.D.B. & M.:
10 Starting at the SE corner of Section 18; thence west along
11 said section line to its intersection with the eastern line
12 of section 13 in T24N, R17E; thence north on said line to
13 the SE corner of Section 12 in T24N, R17E; thence west
14 to the Plumas County line.

15 (b) All that land in Sierra County within the following
16 boundaries:

17 Beginning at the intersection of the watershed
18 crestline and the north line of Section 1, T21N, R16E,
19 M.D.B. & M., which is a point on the county lines of the
20 Counties of Plumas, Lassen, and Sierra; thence southerly
21 along watershed crestline through Sections 1, 12, 13, 24,
22 25, and 36, T21N, R16E, M.D.B. & M.

23 Thence southeasterly along the watershed crestline
24 through Section 31, T21N, R17E, M.D.B. & M.

25 Thence southeasterly along the watershed crestline
26 through Sections 5, 8, 9, 16, 15, 10, 11, 12, and 13, T20N,
27 R17E, M.D.B. & M.

28 Thence easterly along watershed crestline through
29 Section 19, T20N, R18E, M.D.B. & M. to the point of
30 intersection with the common line of the State of
31 California and the State of Nevada.

32 Thence north along the common line of the State of
33 California and the State of Nevada to the NE corner of
34 Section 6, T21N, R18E, M.D.B. & M.

35 Thence westerly along county line between the
36 Counties of Lassen and Sierra, California, to the point of
37 beginning.

Senate Bill No. 1401

CHAPTER 986

An act to amend Sections 709, 709.5, 710, and 711 of, to add Section 709.7 to, to repeal Section 708 of, and to repeal and add Article 11 (commencing with Section 1101) of, the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980), relating to water resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1980. Filed with Secretary of State September 21, 1980.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1401, Nejedly. Sierra Valley Groundwater.

Chapter 449 of the Statutes of 1980 enacted the Sierra Valley Groundwater Basin Act which authorizes the creation of a district for the purposes of groundwater management within the Sierra Valley Groundwater Basin.

This bill would delete from such act specified provisions requiring the district to limit or suspend groundwater extractions by district off-basin users before extractions by overlying users, and would declare legislative intent regarding the regulation of district off-basin groundwater users. The bill would also revise provisions of the act relating to the approval of proposed development projects within the district which propose to extract groundwater for service of water.

The bill would take effect immediately as an urgency statute.

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

SECTION 1. Section 708 of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is repealed.

SEC. 2. Section 709 of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is amended to read:

Sec. 709. If the evidence produced at the hearing specified in Section 707, or in any subsequent hearing, tends to show that reduction or suspension of extraction by exporters will be insufficient to eliminate existing or threatened conditions of overdraft, the district may limit or suspend extractions by district users. Any such limitation or suspension of extraction shall be done in the manner described in Section 709.5.

SEC. 3. Section 709.5 of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is amended to read:

Sec. 709.5. In the event that the district limits or suspends extractions by district users in order to eliminate existing or threatened conditions of overdraft, rights to the use of the available supply of groundwater shall be allocated primarily on the basis of the

number of acres overlying the basin or subbasin that a user owns or leases in proportion to the total number of acres overlying the basin or subbasin. The district may adjust any figure so arrived at up or down for any of the following factors:

(1) The number of acres actually irrigated compared to the number of acres owned or leased.

(2) Crop type.

(3) Wasteful or inefficient use.

(4) Reasonable need.

(5) Any other factors that the district reasonably feels it should consider in order to reach an equitable distribution within the entire district.

SEC. 4. Section 709.7 is added to the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) to read:

Sec. 709.7. (a) The Legislature, in enacting this act, intends to establish and grant to overlying groundwater users and to district off-basin groundwater users a prior right to groundwater in the district and to thereby relegate exports from the district to a junior priority to such water users, irrespective of the time such export uses are commenced. By adopting district boundaries which contain the watershed of the groundwater basin within the district, the Legislature adopts the watershed and basin as the scope of the area granted prior right to groundwater.

(b) It is further the Legislature's intent to recognize that, in general, overlying users have a prior right to groundwater within the district, but to grant the district, particularly in Article 7 (commencing with Section 601) and Article 11 (commencing with Section 1101), the authority to consider other factors and the reasonable needs of district off-basin users in allocating the available groundwater supply and to permit the district to make groundwater available to district off-basin users based on factors which indicate that such use is necessary for the equitable distribution of the groundwater resource.

SEC. 5. Section 710 of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is amended to read:

Sec. 710. If the district has imposed reductions on district users pursuant to Section 709, no operator may extract groundwater from a new, enlarged, or reactivated extraction facility for use within the district until the operator has applied for and received a permit from the district.

SEC. 6. Section 711 of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is amended to read:

Sec. 711. (a) The district shall grant the permit referred to in Section 710 upon determining the operator's share of the available supply from the groundwater basin or subbasin in the manner described in Section 709.5 and may limit the operator's right to extract groundwater to such share. To the extent necessary, the district shall adjust the authorized extractions by other district users.

(b) The district may postpone the effective date of any increase authorized in subdivision (a) to the start of the next water year. The district may also establish a date by which any application shall be submitted in order to be effective at the start of the next water year.

SEC. 7. Article 11 (commencing with Section 1101) of the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) is repealed.

SEC. 8. Article 11 (commencing with Section 1101) is added to the Sierra Valley Groundwater Basin Act (Chapter 449, Statutes of 1980) to read:

Article 11. Development Projects

Sec. 1101. After creation of the district, any person seeking approval from a local agency having land use jurisdiction of a development project proposed to be located wholly or in part within the boundaries of the district and which proposes to extract groundwater for service of water shall, at the time of filing an application with such local agency, file with the district documents describing the proposed sources of water, the amount of water required, the amounts of groundwater previously used on the property proposed to be developed, and such other information as the district may reasonably require.

Sec. 1102. The district shall be considered a "responsible agency," as defined in Section 65933 of the Government Code, and shall submit the finding described in Section 1103 within the time period established by Section 65952 of the Government Code. The application for the development project shall be deemed complete for purposes of Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code when the information required by Section 1101 has been provided to the district and when the information required by Section 65943 of the Government Code has been provided to the local agency with land use jurisdiction.

Sec. 1103. (a) The district shall determine whether sufficient groundwater is available for the proposed use by a development project based on the projected use of groundwater by the project. The district shall find that sufficient groundwater is available for use by a development project upon demonstration to the district's satisfaction by the person seeking approval of the development project that the development project will not use more water than is found to be available pursuant to subdivision (b).

(b) In determining whether sufficient groundwater is available for a development project, whether located on overlying or district off-basin lands, the district shall take into account that groundwater is to be allocated primarily on the basis of the number of acres overlying the basin or subbasin that the development project occupies in proportion to the total number of acres overlying the basin or subbasin, but that such allocation may be adjusted up or

down for any of the following factors:

(1) The total number of overlying acres actually irrigated or reasonably susceptible of irrigation compared to the total number of overlying acres in the basin.

(2) The number of overlying acres being irrigated from surface water sources.

(3) Crop types.

(4) Wasteful or inefficient use.

(5) Reasonable needs of water users within the district.

(6) Any possible reduction or suspension of exports which would allow in-district groundwater use to take place.

(7) Any other factors that the district reasonably feels it should consider in determining whether sufficient water will be available to the development project.

Sec. 1104. (a) Notwithstanding any other provision of law, no local agency having land use jurisdiction shall approve a proposed development project which proposes to use groundwater from the basin unless:

(1) The district has found that sufficient groundwater is available to the development project pursuant to Section 1103; or,

(2) The local agency having land use jurisdiction conditions their approval on the action by the district pursuant to Section 1103.

(b) If, pursuant to paragraph (2) of subdivision (a), a local agency having land use jurisdiction conditionally approves a proposed development project, and if the district subsequently finds that sufficient groundwater is not available for the development project, the development project shall be deemed to be denied by the local agency as a matter of law without the local agency taking further action.

Sec. 1105. Nothing in this article shall be interpreted as limiting the district's general powers to regulate groundwater extraction and use in development projects in the same manner as other extractions and use within the district.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for the sound management of the groundwater resources of Sierra Valley which is suffering from special problems which immediately threaten the continued availability of groundwater in the basin, and to protect the agriculture and the economic well-being of the valley which is dependent on the groundwater resources, it is necessary that this act take effect immediately.

Introduced by Senator Johnson

January 31, 1983

An act to amend Section 50704 of, and to add Section 50704.5 to, the Water Code, and to repeal and add Sections 808, 905, and 906 of, and to repeal Section 907 of, the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980), relating to ~~reclamation~~ water districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 215, as amended, Johnson. ~~Reclamation district elections~~
Special districts.

(1) Under existing law, each landowner or legal representative of the landowner in a reclamation district is entitled to vote at district elections and, with a specified exception, to cast one vote for each dollar's worth of real estate owned by him or his principal.

This bill would specify that if the district has, within the calendar year preceding that in which the election occurs, levied an operation and maintenance assessment, each voter shall be entitled to cast one vote for each dollar's worth of assessment valuation as shown on that assessment roll. If, however, the district has during that year ordered payment of an installment on an original or additional assessment, each voter is entitled to one vote for each dollar's worth of installment levied in the preceding year. If neither of the foregoing was levied or ordered during the preceding year, each voter is entitled to one vote for each acre owned within the district.

The bill would specify related matters.

(2) *Under existing law, the Sierra Valley Groundwater Management District is authorized to levy and collect groundwater extraction charges and management charges and to collect specified interest and penalties for delinquent charges.*

This bill would authorize the district to elect to have the charges collected on the tax rolls of the counties in which the district is situated in the same manner as county property taxes, or to itself collect the charges at the same time as county taxes together with penalties and interest at the same rates as is prescribed for the collection of county taxes. The bill would prescribe related matters.

(3) *Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.*

This bill would impose a state-mandated local program by requiring certain counties to collect on their tax bills groundwater extraction charges and management charges levied by the Sierra Valley Groundwater Management District.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Vote: $\frac{3}{5}$. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

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

1 SECTION 1. Section 50704 of the Water Code is
2 amended to read:
3 50704. Each voter in the district may vote at any
4 election in person or by proxy, and may cast his or her

1 votes as follows:

2 (a) If the district has, within the calendar year
3 preceding that in which the election occurs, levied an
4 operation and maintenance assessment pursuant to
5 Article 3 (commencing with Section 51320) of Chapter 2
6 of Part 7 of this division, then each voter shall be entitled
7 to cast one vote for each dollar's worth of assessment
8 valuation as shown on that assessment roll for all parcels
9 owned by the voter or his principal.

10 (b) If the district has not levied an operation and
11 maintenance assessment pursuant to Article 3
12 (commencing with Section 51320) of Chapter 2 of Part 7
13 of this division during the calendar year preceding that
14 in which the election occurs, but has during that year
15 ordered payment of an installment on an original or
16 additional assessment pursuant to Article 2 (commencing
17 with Section 51510) of Chapter 3 of Part 7 of this division,
18 then each voter shall be entitled to cast one vote for each
19 dollar's worth of installment levied in the preceding year
20 upon all parcels owned by the voter or his principal.

21 (c) If neither an operation and maintenance
22 assessment nor an installment upon an original or
23 additional assessment was levied or ordered paid by the
24 district during the calendar year preceding that in which
25 the election occurs, then each voter shall be entitled to
26 cast one vote for each acre owned by the voter or his
27 principal within the district, provided that if the voter or
28 his principal owns less than one acre then the voter shall
29 be entitled to one vote and any fraction shall be rounded
30 to the nearest full acre.

31 (d) When a district elects to have the board of
32 supervisors levy a special tax on behalf of the district on
33 all taxable land and improvements pursuant to Article 4
34 (commencing with Section 51360) of Chapter 2 of Part 7
35 of this division, then each voter may vote at any district
36 election in person or by proxy, and may cast one vote for
37 each dollar's worth of taxable land and improvements
38 owned by him or his principal in the district, as
39 determined from the last equalized tax roll of each
40 county in which the lands of the district are situated.

(e) The ownership and number of acres owned for the purpose of this section shall be determined from the last equalized tax roll of each county in which the lands of the district are situated.

SEC. 2. Section 50704.5 is added to the Water Code, to read:

50704.5. When a parcel is held as community property or in joint tenancy or as tenants in common, any spouse or joint tenant or tenant in common shall be presumed to have authority to cast all votes for the parcel upon filing with the election board a certification under penalty of perjury identifying the spouse, joint tenants, or tenants in common for whom the votes are to be cast. A legal representative, upon filing with the election board a certification under penalty of perjury identifying the principal and the authority of the legal representative, shall be presumed to have authority to cast all votes for the principal identified in the certification.

SEC. 3. Section 808 of the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980) is repealed.

Sec. 808. If any operator of an extraction facility does not pay the groundwater extraction charge when due, the district shall charge interest at the rate of $1\frac{1}{2}$ percent each month on the delinquent amount of the groundwater extraction charge.

SEC. 4. Section 808 is added to the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980), to read:

Sec. 808. The groundwater extraction charge may, at the option of the district, be collected on the tax rolls of both counties in which the district is situated in the same manner, by the same persons, and at the same time as, together with and not separately from, county ad valorem property taxes. In lieu of this election, the district shall collect groundwater extraction charges at the same time, together with penalties and interest at the same rates, as is prescribed for the collection of county ad valorem property taxes. The amount of an unpaid groundwater extraction charge together with any

penalty or interest thereon shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing ad valorem property taxes.

SEC. 5. Section 905 of the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980) is repealed.

Sec. 905. A penalty of 7 percent of any management charge shall accrue where any such charge remains unpaid on the first day of the month before the month in which the board of supervisors of the county in which the district or any part thereof is located is required by law to levy the amount of taxes required for county purposes.

SEC. 6. Section 905 is added to the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980), to read:

Sec. 905. The management charge may, at the option of the district, be collected on the tax rolls of both counties in which the district is situated in the same manner, by the same persons, and at the same time as, together with and not separately from, county ad valorem property taxes. In lieu of this election, the district shall collect management fees at the same time, together with penalties and interest at the same rates, as is prescribed for the collection of county ad valorem property taxes.

SEC. 7. Section 906 of the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980) is repealed.

Sec. 906. The amount of the unpaid management charge plus the penalty shall be added to the tax levied annually upon the land subject to the management charge. The amount of the unpaid management charge plus the penalty shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing such annual taxes.

SEC. 8. Section 906 is added to the Sierra Valley Groundwater Basin Act (Chapter 449 of the Statutes of 1980), to read:

Sec. 906. The amount of an unpaid management charge together with any penalty and interest thereon

1 *shall constitute a lien on that land as of the same time and*
2 *in the same manner as does the tax lien securing county*
3 *ad valorem property taxes.*

4 *SEC. 9. Section 907 of the Sierra Valley Groundwater*
5 *Basin Act (Chapter 449 of the Statutes of 1980) is*
6 *repealed.*

7 *Sec. 907. At least 15 days before the first day of the*
8 *month in which the board of supervisors of each affected*
9 *county is required by law to levy the amount of taxes*
10 *required for county purposes, the board of directors shall*
11 *furnish in writing to the board of supervisors and the*
12 *county auditor of each affected county a description of*
13 *each parcel of land within the district upon which a*
14 *management charge remains unpaid, together with the*
15 *amount of the unpaid management charge plus penalty*
16 *on each parcel of land.*

17 *SEC. 10. No appropriation is made and no*
18 *reimbursement is required by this act pursuant to Section*
19 *6 of Article XIII B of the California Constitution or*
20 *Section 2231 or 2234 of the Revenue and Taxation Code*
21 *because this act is in accordance with the request of a*
22 *local agency or school district which desired legislative*
23 *authority to carry out the program specified in this act.*

24 *SEC. 11. This act is an urgency statute necessary for*
25 *the immediate preservation of the public peace, health,*
26 *or safety within the meaning of Article IV of the*
27 *Constitution and shall go into immediate effect. The facts*
28 *constituting the necessity are:*

29 *In order to insure that the provisions of this act are*
30 *applicable to elections scheduled to be held this year and*
31 *that reclamation district elections are conducted in an*
32 *equitable and efficient manner, and in order that the*
33 *Sierra Valley Groundwater Management District may*
34 *have its charges collected by means of county tax bills and*
35 *thereby save significant administrative costs during the*
36 *current year, it is necessary that this act take effect*
37 *immediately.*