

SOUTH KINGS GROUNDWATER SUSTAINABILITY  
AGENCY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS  
SPECIAL MEETING AGENDA

DEL REY COMMUNITY SERVICES DISTRICT  
10649 Morro Ave  
Del Rey, CA 93616

Wednesday, April 10, 2024

5:30 PM

In compliance with the Americans with Disabilities Act, if you need special assistance to access or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Del Rey Community Services District at (559) 888-2272. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council meeting.

**Pledge of Allegiance led by Chairman Karnig Kazarian.**

ITEMS:

1. Call to Order and roll call
2. Public Comment on Items not on Agenda

*The first 15 minutes of each regular session is set aside for members of the public to comment on any item within the jurisdiction of the Board of Directors, but not appearing on the agenda. For items appearing on the agenda, the public is invited to comment at the time the item is called for consideration by the Board. Any person addressing the Board under public comment will be limited to a 3-minute presentation to ensure that all interested parties have an opportunity to speak. Please submit any handouts to the Secretary via email prior to the meeting at [dpeters@peters-engineering.com](mailto:dpeters@peters-engineering.com).*

3. Consent Calendar

*Unless a member of the Board of Directors requests that an item be removed from the Consent Calendar, all items will be acted upon as a whole and by one vote. Items removed from the Consent Calendar will be acted upon separately.*

- 3.1 Approved Minutes of February 28, 2024 meeting.

4. Committee Reports

- 4.1 Technical Advisory Committee – Oral Report by Josh Rogers, Chair

- 4.2 Administrative Committee – Oral Report by David Peters, Secretary
5. General Items
  - 5.1 Presentation of Draft 24-25 FY Budget – Oral Report by David Peters
  - 5.2 Approve Provost & Pritchard Task Order 15 in the amount of \$1,500 for annual measurement and reporting related to two recently constructed monitoring wells – Oral Report by David Peters
6. Secretary’s Report
  - 6.1 Update on 2024 Recharge Activities
  - 6.2 Use of SKF Stormwater Ponds
  - 6.3 Assembly Bill 828 Update
  - 6.4 Time and place for next meeting – May 8, 2024 at 5:30pm @ Fowler
7. Board Member Comments
8. Adjourn the regular SKGSA Board Meeting into closed session:
  - 8.1 Conference with Legal Counsel – Potential Litigation
    - a) Significant exposure to litigation pursuant to Government Code 54956.9(d)(2).
9. Adjourn out of closed session into regular SKGSA Board Meeting and report out of closed session.
10. Adjourn regular SKGSA Board Meeting

SKJPA BOARD OF DIRECTORS  
MEETING MINUTES

SANGER CITY HALL  
1700 7th Street  
Sanger, CA 93657

Wednesday, February 28, 2024  
5:30 PM

Chairman Kazarian called the meeting to order at 5:30 pm.

Board Members Present: Chairman Kazarian, E. Hurtado, D. Silva, A. Beltran

Board Members Absent: D. Ramirez

Staff Present: David Peters, Matthew Lear, Josh Rogers

**PUBLIC PRESENTATIONS**

- 2.1 *Public Comment on Items not on Agenda*  
None

**CONSENT CALENDAR**

- 3.1 *Approve minutes of September 18, 2023 meeting.*  
Member Beltran makes a motion, seconded by Member Hurtado. Motion passed unanimously.

**COMMITTEE REPORTS**

- 4.1 *Technical Advisory Committee Meeting*  
Mr. Rogers states that TAC met and discussed ongoing business of the Kings Coordination Group meetings and the studies regarding wells running dry.
- 4.2 *Administrative Committee Meeting*  
Mr. Peters states that AC met and discussed SKGSA budget and CID recharge water allocation.

**GENERAL ITEMS**

- 5.1 *Discussion regarding use of private basins for recharge – Oral Report by David Peters*  
Mr. Peters discusses the use of private basins for recharge. Chairman Kazarian and Member Silva expressed their support.

5.2 *Discussion regarding Audit of SKGSA financials – Oral Report by David Peters*

Mr. Peters shares the financial summary of current SKGSA account and discusses the need for an auditor.

5.3 *Approve Provost & Pritchard Task Order 15 in the amount of \$1,500 for annual measurement and reporting related to two recently constructed monitoring wells – Oral Report by David Peters*

Member Beltran makes a motion to continue this item to the next meeting, seconded by Member Hurtado. Motion passed unanimously and item will be continued to the next meeting.

5.4 *Designate Josh Rogers as SKGSA representative for Kings Basin Coordination Meetings – Oral Report by David Peters*

After brief discussion, Member Beltran makes a motion to designate Josh Rogers as SKGSA representative for Kings Basin Coordination Meetings, seconded by Member Hurtado. Motion passed unanimously.

5.5 *Status of North Sanger and Fowler basin projects – Oral Report by David Peters*

Mr. Peters states that the construction of the Fowler Basin is complete and it will be ready to receive water this coming allocation cycle. Mr. Rogers states that the North Sanger basin is expected to start construction in May or June.

## **SECRETARY REPORT**

6.1 *Time and place for next meeting*

April 10 at 5:30pm in Del Rey.

## **BOARD MEMBER COMMENTS**

Member Hurtado raises a question about the possibility of board members attending GSA conferences.

## **ADJOURNMENT**

Having no further business Chairman Kazarian adjourned the meeting at 5:41pm.

**South Kings GSA  
Budget FY 2024-25 (DRAFT)**

**Revenues**

<b>Account</b>	<b>Account Description</b>	<b>GSA Description</b>	<b>FY 24-25</b>
New	Agency Contributions	Contribution to GSA	\$ 3,197,500
	Last FY Carryover	Carryover funds from last FY Budget	\$ -
New	Prop 68 Grant	North Sanger GRP	\$ 2,640,110
<b>Total Revenue</b>			<b>\$ 5,837,610</b>

**Expenses**

New	Capital Costs	Surface Water Purchase	\$ 2,600,000
New	Prop 68 Grant	North Sanger GRP	\$ 2,640,110
New	Agency Administration	Administrative Expenses	\$ 60,000
New	Agency Permit Processing	Well Mitigation Program	\$0
New	Reimbursements	Member Agency Reimbursements	\$ 400,000
New	Insurance	Insurance Premiums	\$ 12,500
6290	Professional Services	Misc Services	\$ 125,000
<b>Total Expenses</b>			<b>\$ 5,837,610</b>

**South Kings GSA  
Budget FY 2024-25 (DRAFT)**

<b>FISCAL YEAR</b>	<b>FY 24-25</b>
Total GSA Contribution	\$ 3,197,500

<b>Local Agency Budget Contributions</b>		<b>FY 24-25</b>
Fowler	14.54%	\$ 464,954
Del Rey	5.15%	\$ 164,710
Kingsburg	20.79%	\$ 664,724
Parlier	14.90%	\$ 476,484
Sanger	44.62%	\$ 1,426,628
<b>TOTALS</b>	<b>100%</b>	<b>\$ 3,197,500</b>

\$0

2023 Calendar Year Groundwater Pumped (A-F)	%	of Total
Fowler	1976	14.54%
Del Rey	700	5.15%
Kingsburg	2825	20.79%
Parlier	2025	14.90%
Sanger	6063	44.62%
<b>TOTALS</b>	<b>13589</b>	<b>100.00%</b>

# PROVOST & PRITCHARD CONSULTING GROUP

455 W Fir Ave • Clovis, CA 93611 • (559) 449-2700  
www.provostandpritchard.com

February 8, 2024

David Peters, PE  
South Kings Groundwater Sustainability Agency  
862 Pollasky Avenue  
Clovis, CA 93612

**Subject: Task Order 15: South Kings GSA Monitoring Well Measurements (Ongoing)**

Dear Mr. Peters,

The South Kings Groundwater Sustainability Agency (SKGSA) has recently constructed two monitoring wells, one each in the cities of Fowler and Parlier. With those completed and operational, the SKGSA will need to begin reading, twice annually, the groundwater levels in those wells. One reading occurs in the Spring and the other in the Fall, to provide data in the SKGSA on groundwater level trends. Those values are then reported in the Kings Subbasin Annual SGMA Report and the 5-year SKGSA's Groundwater Sustainability Plan (GSP) update.

## SCOPE OF SERVICES

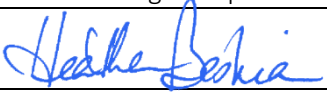
The following phase will be used, annually, to track and invoice for the described work.

### PHASE MWR: SKGSA MONITORING WELL MEASUREMENTS

Groundwater level measurements will be collected semi-annually from the SKGSA monitoring wells located in Fowler and Parlier. One measurement from each well will be collected in the Spring, typically in March/April. A second measurement will be collected in the Fall, typically October.

- Notify and coordinate with City personnel of pending well visit to collect groundwater measurement.
- Travel to each well twice annually and measure and record groundwater depths.

The signature below hereby authorizes the performance of the tasks described above each year for a fixed fee budget of \$1,500 (this budget will escalate annually by approximately 5% unless otherwise communicated). Please sign, date, and return to Heather Bashian, PE at Provost & Pritchard Consulting Group by emailing [hbashian@ppeng.com](mailto:hbashian@ppeng.com).

<b>Client:</b> South Kings Groundwater Sustainability Agency	Provost & Pritchard Engineering Group, Inc. dba Provost & Pritchard Consulting Group
<b>By:</b>	<b>By:</b> 
<b>Name/Title:</b>	Heather Bashian, RCE 73075 Director of Operations
<b>Date Signed:</b>	February 8, 2024

\\ppeng.com\pzdata\clients\South Kings GSA - 2731\Ongoing\100-GSA Admin\103-Contracts and Task Orders\20240205 Task Order Monitoring Well Ongoing.docx

Introduced by Assembly Member Connolly

February 13, 2023

An act to amend ~~Section 10721~~ Sections 10721, 10726.4, 10730.2, 10733, 10735.2, and 10735.8 of the Water Code, relating to water.

## LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Connolly. Sustainable groundwater management: managed wetlands.

### Existing

(1) Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law defines various terms for purposes of the act.

This bill would add various defined terms for purposes of the act, including the term “managed wetland.”

(2) Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Existing law grants a groundwater sustainability agency specified authority and authorizes a groundwater sustainability agency to regulate groundwater extraction using that authority.

This bill would prohibit a groundwater sustainability agency from using that authority regarding the establishment of groundwater extraction allocations for small community water systems serving disadvantaged communities or to managed wetland extractors, except as specified. The bill would authorize a small community water system serving a disadvantaged community to increase its annual average usage by 10% over its average annual extraction to accommodate population growth without incurring restrictions from a groundwater sustainability agency.

(3) Existing law authorizes a groundwater sustainability agency that adopts a groundwater sustainability plan to impose fees on the extraction of groundwater from the basin to fund costs of groundwater management, as specified.

This bill would prohibit a groundwater sustainability agency from imposing a fee upon a small community water system serving a disadvantaged community or on a managed wetland extractor, provided the water use for each user does not increase above the extractor's average annual extraction from 2015 to 2020.

(4) Existing law requires the department to periodically review the groundwater sustainability plans developed by groundwater sustainability agencies and to evaluate whether a plan conforms to specified requirements and is likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plan.

This bill would require the department, when reviewing a plan and any annual updates, to ensure that the plan advances the human right to water policy and conforms to the no net loss policy for wetlands, as provided.

(5) Existing law authorizes the State Water Resources Control Board to, after notice and a public hearing, designate a high- or medium-priority basin as a probationary basin, if the board makes specified findings. Existing law authorizes the board to request that the department conduct additional assessments utilizing the specified regulations and make specified determinations regarding the groundwater extractions of the basin.

This bill would authorize the department to make additional determinations that establish requirements to ensure that the groundwater sustainability agency's groundwater sustainability plan conforms to the human right to water policy and to the no net loss policy for wetlands, as provided.

(6) Existing law authorizes the board, after notice and a public hearing, to adopt an interim plan for a probationary basin, and, if the board adopts the plan, requires the plan to include specified information.

This bill would require the interim plan to include a finding that the plan supports the human right to water policy and that the plan conforms to the no net loss policy for wetlands, as provided.

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) The Legislature recognized the human right to water in 2012 with the passage of AB 685. A decade later, communities still struggle to access safe and affordable drinking water.
- (b) More than 85 percent of California's community water systems are dependent upon groundwater for drinking water and sanitation. For hundreds of small water systems, groundwater is their only water source.
- (c) Disadvantaged communities served by domestic wells and small community water systems are negatively and disproportionately impacted by unsustainable groundwater use and resulting dry wells and worsening water quality.



(d) Many groundwater sustainability plans fail to adequately consider or address the impacts of their plans on domestic well users and households served by small community water systems.

(e) Managed wetlands are an important public trust resource and beneficial user of groundwater because they provide significant habitat for migratory waterfowl of the Pacific flyway, for endangered species, and for many other resident wildlife and fish populations. Wetlands provide additional public benefits, including water quality improvement, groundwater recharge, flood protection, stream bank stabilization, wildlife dependent recreation, and opportunities for scientific research.

(f) Approximately 5 percent of historic wetlands remain in California. Consistent with Executive Order No. W-59-93, it is the policy of the state to assure that no net loss of managed wetland acreage or habitat values results from implementation of the Sustainable Groundwater Management Act.

(g) Protecting managed wetlands that are subject to the Sustainable Groundwater Management Act will avoid a net loss of wetlands and allow groundwater sustainability agencies to prioritize groundwater sustainability for agricultural, municipal, and industrial water users.

**SEC. 2.** Section 10721 of the Water Code is amended to read:

10721. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Adjudication action" means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.

(b) "Basin" means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).

(c) "Bulletin 118" means the department's report entitled "California's Groundwater: Bulletin 118" updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.

(d) "Coordination agreement" means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.

(e) "De minimis extractor" means a person who extracts, for domestic purposes, two acre-feet or less per year.

(f) "Governing body" means the legislative body of a groundwater sustainability agency.

(g) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels unless included pursuant to Section 10722.5.

(h) "Groundwater extraction facility" means a device or method for extracting groundwater from within a basin.

(i) "Groundwater recharge" or "recharge" means the augmentation of groundwater, by natural or artificial means.

(j) "Groundwater sustainability agency" means 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.

(k) "Groundwater sustainability plan" or "plan" means a plan of a groundwater sustainability agency proposed or adopted pursuant to this part.

(l) "Groundwater sustainability program" means a coordinated and ongoing activity undertaken to benefit a basin, pursuant to a groundwater sustainability plan.

(m) "In-lieu use" means the use of surface water by persons that could otherwise extract groundwater in order to leave groundwater in the basin.

*(n) "Interim milestone" means a quantifiable interim step that demonstrates consistent progress toward meeting a sustainability goal in a period that is as short as practicable.*

~~(n)~~

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

~~(o)~~

(p) (1) "Managed wetland" means a publicly or privately owned wetland that receives seasonal, semipermanent, or permanent flooding to simulate natural processes that promote food production, habitat for the benefit of wetland dependent species, and is designated as, or administered as, any of the following:

(A) State wildlife area.

(B) National wildlife refuge.

(C) Central Valley Project Improvement Act wetland habitat area.

(D) Conservation easement held by a federal or state resource agency, a local agency whose primary function is managing land or water for wetland habitat purposes, or a nongovernmental conservation organization.

(E) Wildlife habitat contract or other conservation agreement of no less than 10 years in duration administered by the Department of Fish and Wildlife, Wildlife Conservation Board, ~~U.S.~~ *United States* Fish and Wildlife Service, or Natural Resources Conservation Service.

(2) The term "managed wetland" does not include land managed for commercial crop production, or an artificial wetland constructed primarily as a groundwater bank or recharge basin, tailwater recirculation or sedimentation pond, evaporation pond, irrigation or stock watering pond, area that filters urban or industrial stormwater runoff, or wastewater treatment pond.

~~(p)~~

(q) "Managed wetland extractor" means a person who extracts groundwater solely for managed wetland purposes.

~~(q)~~

(r) "Operator" means a person operating a groundwater extraction facility. The owner of a groundwater extraction facility shall be conclusively presumed to be the operator unless a satisfactory showing is made to the governing body of the groundwater sustainability agency that the groundwater extraction facility actually is operated by some other person.

~~(r)~~

(s) "Owner" means a person owning a groundwater extraction facility or an interest in a groundwater extraction facility other than a lien to secure the payment of a debt or other obligation.

(s)

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

(u)

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

(v)

(v) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.

(w)

(w) "Recharge area" means the area that supplies water to an aquifer in a groundwater basin.

(x)

(x) "Small community water system" means a system serving 3,300 connections or fewer.

(y)

(y) "Sustainability goal" means the existence and implementation of one or more groundwater sustainability plans that achieve sustainable groundwater management by identifying and causing the implementation of measures targeted to ensure that the applicable basin is operated within its sustainable yield.

(z)

(z) "Sustainable groundwater management" means the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

(aa)

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

(ab)

(ab) "Undesirable result" means one or more of the following effects caused by groundwater conditions occurring throughout the basin:

- (1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater 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.
- (2) Significant and unreasonable reduction of groundwater storage.
- (3) Significant and unreasonable seawater intrusion.
- (4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
- (5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.
- (6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

(ac)

(ac) "Water budget" means an accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored.

(ad)

(ad) "Watermaster" means a watermaster appointed by a court or pursuant to other law.

(ae)

(ae) "Water year" means the period from October 1 through the following September 30, inclusive.

(af)

(af) "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

**SEC. 3. Section 10726.4 of the Water Code is amended to read:**

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) Subdivision (a) shall not apply to the establishment of groundwater extraction allocations for small community water systems serving disadvantaged communities or to managed wetland extractors. If a small community water system or a managed wetland extractor increases its extraction of groundwater over the average amount extracted annually between the years 2015 through 2020, a groundwater sustainability agency shall have the authority to regulate usage above that amount.*

*(c) A small community water system serving a disadvantaged community may increase its annual average usage by 10 percent over its average annual extraction to accommodate population growth without incurring restrictions from a groundwater sustainability agency.*

*(d) If a groundwater sustainability agency reasonably determines that groundwater extractions for managed wetlands are directly causing undesirable results, including land subsidence or degradation of groundwater quality, a groundwater sustainability agency may use the authority described in subdivision (a) to develop and implement corrective actions, in cooperation with the affected managed wetland extractor.*

*(e) If a person is both a managed wetland extractor and a groundwater extractor for other purposes, any exemptions that apply to a managed wetland extractor shall apply only for groundwater extracted solely for managed wetland purposes.*

~~(b)~~

*(f) 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.*

**SEC. 4. Section 10730.2 of the Water Code is amended to read:**

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

- (1) Administration, operation, and maintenance, including a prudent reserve.
- (2) Acquisition of lands or other property, facilities, and services.
- (3) Supply, production, treatment, or distribution of water.
- (4) Other activities necessary or convenient to implement the plan.

(b) Until a groundwater sustainability plan is adopted pursuant to this part, a local agency may impose fees in accordance with the procedures provided in this section for the purposes of Part 2.75 (commencing with Section 10750) as long as a groundwater management plan adopted before January 1, 2015, is in effect.

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

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

*(e) A groundwater sustainability agency shall not impose a fee upon a small community water system serving a disadvantaged community or on a managed wetland extractor, provided the water use for each user does not increase above the extractor's average annual extraction from 2015 to 2020, inclusive.*

*(f) A small community water system serving a disadvantaged community may increase its annual average usage by 10 percent over its average annual extraction to accommodate population growth without incurring fees from a groundwater sustainability agency.*

~~(e)~~

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

**SEC. 5. Section 10733 of the Water Code is amended to read:**

10733. (a) The department shall periodically review the groundwater sustainability plans developed by groundwater sustainability agencies pursuant to this part to evaluate whether a plan conforms with Sections 10727.2 and 10727.4 and is likely to achieve the sustainability goal for the basin covered by the groundwater sustainability plan.

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

(c) The department shall evaluate whether a groundwater sustainability plan adversely affects the ability of an adjacent basin to implement their groundwater sustainability plan or impedes achievement of sustainability goals in an adjacent basin.

*(d) The department shall periodically review a groundwater sustainability plan and any annual updates developed by a groundwater sustainability agency to ensure that the plan advances the human right to water pursuant to Section 106.3.*

*(e) The department shall periodically review a groundwater sustainability plan and any annual updates developed by a groundwater sustainability agency to ensure that the plan conforms to the "no net loss" policy for wetlands pursuant to Executive Order No. W-59-93.*

**SEC. 6. Section 10735.2 of the Water Code is amended to read:**

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~~ *internet website* 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.
- (5) The determination may establish requirements to ensure that the plan conforms to the human right to water, pursuant to Section 106.3.*
- (6) The determination may establish requirements to ensure that the plan conforms to the "no net loss" policy for wetlands pursuant to Executive Order No. W-59-93.*
- (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.

**SEC. 7. Section 10735.8 of the Water Code is amended to read:**

- 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 finding that the plan supports the human right to water, pursuant to Section 106.3.*
- (f) The board shall include in its interim plan a finding that the plan conforms to the "no net loss" policy for wetlands pursuant to Executive Order No. W-59-93.*
- (e)**
- (g) 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.*

(h)

(h) 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.

(i)

(i) (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).

(j)

(j) 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.

(k)

(k) 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.