

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

1 Sec 101. Articles 1 to 12, inclusive, of this act shall be
 2 known and may be cited as the Sierra Valley
 3 Groundwater Basin Act.
 4 Sec. 102. The Board of Supervisors of the County of
 5 Plumas and the Board of Supervisors of the County of
 6 Sierra may, by a joint powers agreement entered into
 7 pursuant to Chapter 5 (commencing with Section 6500)
 8 of Division 7 of Title 1 of the Government Code, create
 9 a district known and designated as the "Sierra Valley
 10 Groundwater Management District" which shall have
 11 the boundaries specified in Section 201 and which may
 12 exercise the express powers granted by this act for
 13 purposes of groundwater management within the Sierra
 14 Valley Groundwater Basin, together with such other
 15 powers as are reasonably implied and necessary and
 16 proper to carry out the objects and purposes of the
 17 district. The Legislature hereby finds and declares that
 18 the preservation of the groundwater within Sierra Valley
 19 for the protection of agricultural and other resources is in
 20 the public interest and that the creation of a district
 21 pursuant to this act is for the common benefit of the
 22 Sierra Valley water users.

Article 2. Boundaries

1 Sec. 201. For the purposes of this act, the boundaries
 2 of the Sierra Valley Groundwater Management District
 3 are as follows:
 4 Beginning at the southeast corner of Section 3,
 5 Township 21 North, Range 13 East, M.D.M., which is a
 6 point on the county line between the Counties of Plumas
 7 and Sierra and running thence north one mile along the
 8 east line of said Section 3 to the south boundary of
 9 Township 22 North, Range 13 East, M.D.M.; thence west
 10 one-half mile on the township line to the south quarter
 11 section corner of Section 34, Township 22 North, Range
 12 13 East, M.D.M.; thence north 2 miles to the south
 13 boundary of Section 22 said township and range; thence
 14 east on the section line one-half mile to the section corner
 15 common to Sections 22, 23, 26, and 27 of said township and
 16 range; thence north on the section line one-half mile to
 17 the quarter section corner between Sections 22 and 23,
 18 said township and range; thence east one-half mile to the
 19 center quarter corner of Section 23, said township and
 20 range; thence north one-half mile to the north line of
 21 Section 23, said township and range; thence east on the
 22 section line one and one-half miles to the range line
 23 between Range 13 East and Range 14 East; thence north
 24 along said range line to the northwest corner of Section
 25 18, Township 22 North, Range 14 East, M.D.M.; thence
 26 east along the north boundary of Section 18, said
 27 township and range, to the northeast corner of Section 18,
 28 said township and range; thence north one-half mile to
 29 the quarter section corner common to Sections 7 and 8,
 30 said township and range; thence east one-half mile to the
 31 center of Section 8, said township and range; thence
 32 north one-half mile to the quarter section corner
 33 between Sections 8 and 5, said township and range;
 34 thence east on the section line one-half mile to the
 35 southeast corner of said Section 5, thence north one mile
 36 along the east boundary of said Section 5 to the northeast
 37 corner of said Section 5 which is on the south boundary
 38 of Township 23 North, Range 14 East, M.D.M.; thence
 39 north one-half mile to the quarter section corner of
 40 said Section 5, said township and range; thence east

- 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, 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 9, 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
- 21
- 22

Article 3 Definitions

- 23
- 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 (u) 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, the person who
 4 assesses 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 that 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

7
 8 Sec. 401. The joint powers agreement creating the
 9 district shall prescribe the form and organization of the
 0 board of directors of the district. The board of directors
 1 shall be the governing body of the district and shall
 2 exercise the powers of the district as set forth in this act.
 3 Sec. 402. The rights and powers granted to the
 4 counties and the districts by this act are in addition to
 5 those powers which they already have or those which
 6 may be granted. No provision of this act shall be
 7 interpreted as denying to the counties or the districts any
 8 rights or powers they already have or those which they
 9 may be granted, except as specifically provided for in this
 0 act.

1 Sec. 403. The district may establish penalties for
 2 violations of district ordinances that are in addition to
 3 penalties the remedies specified in this act.

4 Sec. 404. Any ordinance adopted pursuant to this act
 5 may become effective upon adoption. Within 10 days
 6 after its adoption, the ordinance shall be published
 7 pursuant to Section 6061 of the Government Code. From
 8 and after the publication, any person who does not
 9 comply with the provisions of an ordinance may be liable
 0 civilly for a sum not to exceed one thousand dollars
 1 (\$1,000) for each day an ordinance is not complied with,
 2 in addition to any other penalties established pursuant to
 3 Section 403.

4 Sec. 405. The district may exclude from any of the
 5 requirements of this act any operator who extracts a
 6 minimum amount of groundwater as specified in an
 7 ordinance adopted by the board of directors after notice
 8 and hearing.

9 See 406. (a) Within 60 days after publication of any
 0 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 6011,
 14 Sections 708 to 713, inclusive, or Article 8 commencing
 15 with Section 8011, 9 commencing with Section 9011, or
 16 10 commencing with Section 10011, 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

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 35
 36
 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

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

36 Sec. 602. In addition to other information which the
37 district may require, the district may require for each
38 registered extraction facility information as to the
39 operator of each extraction facility, the owner of the land
40 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
 0 of water extracted by extraction facilities.

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

Article 7. Powers of the District

18
 19 Sec. 701. If, upon completion of any investigation or
 20 study authorized by Article 5 (commencing with Section
 21 604), or the results of any measurement program
 22 conducted pursuant to Article 6 (commencing with
 23 Section 604), the board of directors determines that
 24 Sec. 701. If it appears to the board of directors that
 25 groundwater management activities may be necessary, it
 26 the board of directors shall give notice of and hold a
 27 hearing to receive evidence on the need for such a
 28 program and on the form and scope of the management
 29 activities required.

30 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 601) and Article 6
 5 (commencing with Section 604), the board of directors
 6 determines there is sufficient 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 pumps 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 (d)
- 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 the 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
 12 Article 8. Groundwater Extraction Charges
 13

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

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

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

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 statements required to be filed pursuant to this act.

2 Sec. 806. Where rights have been finally determined
3 in an action brought to adjudicate substantially all of the
4 rights in the groundwater basin or any area and such
5 rights have been limited to the available supply thereof,
6 or where pursuant to any such judgment an agency other
7 than the district has the responsibility for providing
8 replenishment for such groundwater extractions,
9 whether the rights have been determined individually or
10 in the aggregate, extraction of groundwater pursuant to
11 such rights shall be exempt from any extraction charges
12 or portion thereof levied or used for the purpose of
13 purchasing or otherwise providing replenishment water,
14 or for the acquisition, construction, operation, or
15 maintenance of property or facilities to provide
16 groundwater replenishment.

17 Sec. 807. The total of the groundwater extraction
18 charges levied in any year shall not exceed an amount of
19 money found to be necessary to purchase water to
20 replenish the groundwater supply in the district, plus an
21 amount of money found to be necessary to pay the costs
22 of initiating, carrying on, and completing any of the
23 powers, projects, and purposes set forth in Articles 6
24 (commencing with Section 601) and 7 (commencing
25 with Section 701) of this act.

26 Sec. 808. If any operator of an extraction facility does
27 not pay the groundwater extraction charge when due,
28 the district shall charge interest at the rate of 1 1/4 percent
29 each month on the delinquent amount of the
30 groundwater extraction charge.

31 Article 9. Management Charges

32
33
34 Sec. 901. Management charges are hereby declared to
35 be charges imposed on landowners within the district for
36 benefits received by landowners from improved
37 groundwater management and planning.

38 Sec. 902. Each year the district may fix a management
39 charge for the purpose of paying the costs of initiating,
40 carrying on, and completing any of the powers, projects,

1 and purposes for which the district is organized.

2 Sec. 903. Before the levy of management charges, the
3 board of directors shall, after notice and hearing, find and
4 determine the portions of the district to be benefited by
5 management and planning activities, the need for
6 management charges for the purpose of paying the costs
7 of these activities, and the amount of the charges to be
8 levied.

9 Sec. 904. Management charges shall not exceed fifty
10 cents (\$0.50) per acre per year for each acre of land, or
11 ten dollars (\$10) per year for each parcel of land of less
12 than 20 acres within the district. The board of directors
13 may exclude parts of the district or may establish
14 schedules varying the management charge according to
15 the likelihood that the land will benefit from improved
16 groundwater management and planning.

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

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

30 Sec. 907. At least 15 days before the first day of the
31 month in which the board of supervisors of each affected
32 county is required by law to levy the amount of taxes
33 required for county purposes, the board of directors shall
34 furnish in writing to the board of supervisors and the
35 county auditor of each affected county a description of
36 each parcel of land within the district upon which a
37 management charge remains unpaid, together with the
38 amount of the unpaid management charge plus penalty
39 on each parcel of land.

Article 10. Zones of Benefit and Assessment Districts

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

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

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

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

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

(b) If the proposed development project would result in a new or increased groundwater use and the district finds that there is groundwater available to serve the reasonable water needs of the development project, the district shall inform the local agency that the development project can be served by groundwater extracted within the district.

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

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

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

1 **proportionate basis**, the district shall determine and
 2 **inform the local agency** of the development projects
 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
 21 **Article 12. Enforcement Powers**
 22

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

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

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
 29
 30

31 **Article 13. Long Valley Groundwater Basin**

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

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. through the point of
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 to the NE corner of
33 California and the State of Nevada.
34 Section 6, T21N, R18E, M.D.B. & M. between the
35 Thence westerly along county line between the
36 Counties of Lassen and Sierra, California, to the point of
37 beginning.

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 419, Statutes of 1980) is revised.

SEC. 8. Article 11 (commencing with Section 1101) is added to the Sierra Valley Groundwater Basin Act (Chapter 419, 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 source 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 1101 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 65929) 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 65941 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

CHAPTER 986

An act to amend Sections 709, 709.5, 710, and 711 of, to add Section 709.7 to, to repeal Section 709 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, 1981; filed with
Secretary of State September 21, 1981.

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

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: $\frac{2}{3}$. 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 2 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.

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

5 **SEC. 2. Section 50704.5 is added to the Water Code.**

6 to read:
 7 50704.5. When a parcel is held as community property
 8 or in joint tenancy or as tenants in common, any spouse
 9 or joint tenant or tenant in common shall be presumed to
 10 have authority to cast all votes for the parcel upon filing
 11 with the election board a certification under penalty of
 12 perjury identifying the spouse, joint tenants, or tenants in
 13 common for whom the votes are to be cast. A legal
 14 representative, upon filing with the election board a
 15 certification under penalty of perjury identifying the
 16 principal and the authority of the legal representative,
 17 shall be presumed to have authority to cast all votes for
 18 the principal identified in the certification.

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

22 **See- 808.** If any operator of an extraction facility does
 23 not pay the groundwater extraction charge when due,
 24 the district shall charge interest at the rate of 14 percent
 25 each month on the delinquent amount of the
 26 groundwater extraction charge.

27 **SEC. 4. Section 808 is added to the Sierra Valley**
 28 **Groundwater Basin Act (Chapter 449 of the Statutes of**
 29 **1980), to read:**

30 **Sec. 808. The groundwater extraction charge may, at**
 31 **the option of the district, be collected on the tax rolls of**
 32 **both counties in which the district is situated in the same**

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

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

7 **See- 905.** A penalty of 7 percent of any management
 8 charge shall accrue where any such charge remains
 9 unpaid on the first day of the month before the month in
 10 which the board of supervisors of the county in which the
 11 district or any part thereof is located is required by law
 12 to levy the amount of taxes required for county purposes.
 13 **SEC. 6. Section 905 is added to the Sierra Valley**
 14 **Groundwater Basin Act (Chapter 449 of the Statutes of**
 15 **1980), to read:**

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

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

29 **See- 906.** The amount of the unpaid management
 30 charge plus the penalty shall be added to the tax levied
 31 annually upon the land subject to the management
 32 charge. The amount of the unpaid management charge
 33 plus the penalty shall constitute a lien on that land as of
 34 the same time and in the same manner as does the tax lien
 35 securing such annual taxes.

36 **SEC. 8. Section 906 is added to the Sierra Valley**
 37 **Basin Act (Chapter 449 of the Statutes of**
 38 **1980), to read:**
 39 **Sec. 906. The amount of the unpaid management**
 40 **charge plus the penalty shall be added to the tax levied**
 41 **annually upon the land subject to the management**
 42 **charge. The amount of the unpaid management charge**
 43 **plus the penalty shall constitute a lien on that land as of**
 44 **the same time and in the same manner as does the tax lien**
 45 **securing such annual taxes.**

at agreement

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 499 of the Statutes of 1980) is
6 repealed.

7 See: 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.

**SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT
Ordinances Pertaining to Development Projects**

Ordinance No. 83-01

An Ordinance of the Sierra Valley Groundwater Management District Re Development Projects
The Board of Directors of the Sierra Valley Groundwater Management District DOES ORDAIN as follows:

Section 1

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 amount of groundwater previously used on the property proposed to be developed, and such other information as the District may reasonably require.

Section 2

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 3 of this ordinance 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 1 of this ordinance has been provided to the local agency with land use jurisdiction.

Section 3

(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) in determining whether sufficient groundwater is available for a development project, whether located on overlaying 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 actions:

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.

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 3 of this ordinance; or
- (2) The local agency having land use jurisdiction conditions their approval on the action by the District pursuant to Section 3 of this ordinance.

(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 further action.

Section 5.

Nothing in this ordinance 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 actions and use within the District.

Ordinance No. 84-02

Adopting Requirements Pertaining to Development Project Groundwater Supply Evaluations and Imposing a Fee on Project Developers Related Thereto

The Board of Directors of the Sierra Valley Groundwater Management District DOES ORDAIN AS FOLLOWS:

Section 1.

Any person (hereinafter referred to as "project developer") seeking approval from a local agency having land use jurisdiction of a development project proposed to be located wholly or in part within 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 (hereinafter referred to as a "groundwater supply evaluation"). A groundwater supply evaluation must describe the proposed sources of water, the amount of water required, the amounts of groundwater previously used on the property proposed to be developed, and must include all other data to be compiled and results from test to be conducted as required by the Groundwater Supply Evaluation Requirements (February 1994). Copies of the Groundwater Supply Evaluation Requirements (February 1994) shall be made available by the District to all interested persons and shall be available at all time at the District's office.

Section 2.

A groundwater supply evaluation must be prepared by a person with seven (7) years of working experience in groundwater geology or hydrology, of which up to four (4) years may be academic experience.

Section 3.

A reasonable fee shall be imposed on project developers for all development projects located wholly or in part within the District. The fee shall be calculated to be equal to the costs and expense incurred by the District to review groundwater supply evaluations and to make the determination of whether sufficient groundwater is available for the proposed development use, including but not limited to all hydrogeologic and legal costs and expenses. Payment of an estimated fee shall be made before the District accepts a groundwater supply evaluation for review. The District will adjust the fee after it has completed its review of the groundwater supply evaluation and made its determination as to availability of groundwater for the proposed development use to reflect actual costs and expenses incurred.

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SIERRA VALLEY GROUNDWATER MANAGEMENT DISTRICT
Groundwater Supply Evaluation Requirements
(February 1984) Revised April 2000

HARD ROCK AREAS and ALLUVIAL AREAS

A. General

groundwater is proposed to supply a development project located wholly or in part within the boundaries of the District, the project developer shall conduct a comprehensive hydrogeologic study and shall prepare a groundwater supply evaluation. The study shall address the following for both bedrock and alluvial areas:

1. The amount of groundwater available on an annual basis for supply, compared to the project requirement;
2. Well yields after prolonged pumping (100 to 150 days), compared to the project requirement;
3. Whether individual domestic or community wells are preferable;
4. Impact of groundwater development on existing other wells, vegetation, and streamflow;
5. Determination of aquifer characteristics and boundaries, recharge and discharge;
6. Chemical quality of the groundwater;
7. The impact of sewage effluent, septic tank effluent, and urban storm runoff on groundwater quality.

shall include the tentative development area and existing developments on property near development.

Groundwater Area Type Map and Scope of Study - Preliminary Conference

types of groundwater areas within the District, Crystalline and Bedrock (mountainous) areas and alluvial (valley-floor) areas. Groundwater development and yields differ greatly between these two areas. Before a project developer begins the hydrogeologic study for the groundwater supply evaluation, the project developer shall provide a map which delineates the groundwater area or areas to be studied. The District's hydrogeologist shall confer with the project developer's hydrogeologist to discuss the map and the scope of study.

The District shall determine the extent of groundwater areas within the District that could be affected by the development project, and shall be evaluated. Alternatives to technical requirements contained herein may be proposed at that preliminary conference. The District shall then determine whether the proposed alternative technical requirements are acceptable.

C. Pump Testing

Unless specifically indicated, all requirements shall apply to both bedrock and alluvial areas.

1. All test wells which are utilized to indicate quantities of water available for domestic or other use shall be constructed in accordance with State of California Department of Water Resources Bulletin NO. 74-90 entitled "Water Well Standards", State of California (1990), and local county well ordinances.

2. For bedrock areas, tests will be conducted during the Summer, and not during Winter or Spring periods of significant runoff. Otherwise, the time of the year for testing shall be determined by the hydrogeologist responsible for the evaluation in consultation with the District.

3. Pump Capacities

(a) **BEDROCK AREAS** The capacity of the test pump at the selected lift shall exceed the production capacity of the well. A control valve will be provided on the discharge line to allow control of the well pumping rate.

(b) **ALLUVIAL AREAS** The capacity of the test pump will be adequate to fully test the well. A variable-speed power source will be provided to allow different pumping rates during the test.

4. An access tube for electric sounder will be installed down the well with the pump to near the pump intake, to allow water-level measurements by electric sounder.

5. Pumping Measurements

(a) **BED ROCK AREAS** Continuously recording totalizing flowmeters will be installed in the discharge line to provide an exact measurement of well discharge.

(b) **ALLUVIAL AREAS** Continuously recording totalizing flowmeters will be installed in the discharge line to provide an exact measurement of well discharge. For large-capacity wells (in excess of 200 gpm), an orifice plate and manometer may be used to measure the well discharge, if adequate documentation is provided to indicate when the well was pumping.

Flowmeter measurements will be periodically checked by timing the filling of a container of known volume.

6. Water pumped from the well will be piped a sufficient distance away from the pumped well and observation wells so as to not influence the test results.

7. All measurements made during the tests will be submitted in the report, including pumping rates, volume of water pumped, times of measurement, depth to water, temperature and electrical conductivity. Any water quality analyses obtained will also be provided.

8. Water levels will be measured after pumping stops until full recovery is achieved.

9. Graphs will be provided showing drawdown and recover on semi-log paper for both the pumped well and observations wells.

10. Water samples for chemical analyses will be collected following procedures approved by the District and local county health department or state health department, whichever agency will regulate the water system. The laboratory performing the analytical determinations will also be subject to approval of the District and local county health department or state health department.

Individual Wells

Unless specifically indicated, all requirements shall apply to both bed rock and alluvial areas:

1. All information derived from the drilling and testing must be in the report (including all dry holes and wells dry after testing).

2. Number of Test Holes and/or Wells

(a) **BEDROCK AREAS** The number of test holes drilled shall be on at least ten percent of lots to be developed. However, the District may require additional wells if it deems it necessary in order to properly evaluate the development.

(b) **ALLUVIAL AREAS** The District will evaluate information from existing wells and test holes in the vicinity. The District will then determine the number of test wells required, based primarily on the amount of information already available.

3. Well locations shall be as specified by the District in consultation with the hydrogeologist. Generally, test locations will be selected to test the varying types of surface land and rock types evident in the subdivision.

4. Additional wells, after the first selection, may be permitted by the District to further test conditions in portions of the subdivision.

5. Time of Pumping

(a) **BEDROCK AREAS** The well shall be pumped with the drawdown near the bottom for a minimum of 72 hours. The time of any changes in pumping rate or interruption of pumping shall be recorded.

(b) **ALLUVIAL AREAS** The well shall be pumped continuously for a minimum of 24 hours. A step-drawdown test will be conducted during the first 8 hours and constant discharge test thereafter.

6. Water Samples

(a) **BEDROCK AREAS** Water samples shall be obtained near the end of the 72-hour testing period. All samples shall be tested for inorganic constituents in the Title 22 Drinking Water Standards and for alpha activity.

(b) **ALLUVIAL AREAS** Water samples shall be collected near the end of the hour pumping period and analyzed for inorganic constituents in the Title 22 Drinking Water Standards and for alpha activity.

other constituents may be of concern, additional analyses may be required. In or near i, water temperature will also be determined.

7. Bedrock wells producing 2 gpm or less after three days of pumping will be considered dry for purposes of establishing suitability.

E. Community Wells

Unless specifically indicated, all requirements shall apply to both bedrock and alluvial areas:

1. The depth of annular seals for community wells shall be approved by the District and/or local county health department prior to commencement of pump testing

2. Number of Test Wells

(a) **BEDROCK AREAS** The number of test wells needed will generally be that required to supply the development being considered.

(b) **ALLUVIAL AREAS** The number of test wells needed will be determined by the District on a case-by-case basis.

3. Any test wells drilled during the exploration of the site shall, at the discretion of the District, be preserved in such a manner that they may be used for observation wells to supplement the well testing procedures

4. Pumping of any wells in the vicinity of the test well, which may influence the test results, should be either stopped or regulated to discharge at a constant, uninterrupted rate during the complete test, if possible.

5. Pumping Rates

(a) **BEDROCK AREAS** During approximately the first day of pumping, the well shall be pumped at a constant discharge. Thereafter, the water level shall be kept near the bottom of the well and the yield adjusted accordingly in order to maintain this level.

(b) **ALLUVIAL AREAS** A step-drawdown test will be conducted during the first 12 hours of pumping and a constant discharge test thereafter

6. Duration of Pumping

(a) **BEDROCK AREAS** The duration of pumping will be a minimum of ten days. If breakdowns or other problems occur or if data are inadequate to project the long-term yield, a longer period may be necessary as determined by the District's hydrogeologist.

(b) **ALLUVIAL AREAS** The duration of pumping will normally be 24 hours. However, if leaky aquifer conditions are expected, or if hydrologic boundaries may exert an influence, then pumping will be for a minimum of 72 hours. If breakdowns or other problems occur, a longer period may be necessary.

7. Frequency of Measurements

(a) **BEDROCK AREAS** Well yield and depth to water shall be measured frequently during the first day and less frequently thereafter. After the first several days of pumping, measurements will only be necessary about three times per day.

(b) **ALLUVIAL AREAS** Well yield and depth to water shall be measured at sufficient intervals during the test so that aquifer parameters can be determined.

8. The hydrogeologist performing the study will submit a map showing well locations prior to the commencement of the pump tests. The District will then determine prior to the pump test, which wells are to be used as observation wells.

Recharge Estimates - Bedrock Areas

Watersheds tributary to the vicinity will be determined from topographic maps. Amounts of and evapotranspiration will be determined based on existing data. Runoff in the vicinity will be determined from approach. Potential recharge, based on the tributary watershed, will be estimated, using reasonable estimates of the percentage of runoff that could become groundwater

Estimates of Groundwater in Storage and Recharge - Alluvial Areas

1. The amount of groundwater in storage will be determined, based on specific yield and the extent of the major water-bearing strata.
2. The present recharge and possible changes in recharge due to the proposed development will be evaluated.
3. Seasonal and long-term water-level declines due to pumpage for the development will be determined.
4. Potential changes in groundwater quality and the potential for land-surface subsidence due to pumpage for the development will be evaluated.