

Excerpts from SGMA related to GSA formation

Note: This is an excerpt from the 2014 Sustainable Groundwater Management Act and related statutory provisions; it includes 2015 amendments which are shown in underline and ~~strikeout~~.

Access the full legislation at this link: <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Files/2014-Sustainable-Groundwater-Management-Legislation-with-2015-amends-1-15-2016.pdf>

CHAPTER 4. Establishing Groundwater Sustainability Agencies

10723. ELECTION OF GROUNDWATER SUSTAINABILITY AGENCY; STATUTORILY DESIGNATED AGENCIES AND OPT OUT PROVISION

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

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

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

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

(B) Alameda County Water District.

(C) Desert Water Agency.

(D) Fox Canyon Groundwater Management Agency.

(E) Honey Lake Valley Groundwater Management District.

(F) Long Valley Groundwater Management District.

(G) Mendocino City Community Services District.

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

(I) Monterey Peninsula Water Management District.

(J) Ojai Groundwater Management Agency.

(K) Orange County Water District.

- (L) Pajaro Valley Water Management Agency.
- (M) Santa Clara Valley Water District.
- (N) Sierra Valley ~~Water~~Groundwater Management District.
- (O) Willow Creek Groundwater Management Agency.

(2) An agency identified in this subdivision may ~~elect to~~ opt out of being the exclusive groundwater management agency within its statutory boundaries by sending a notice to the department, which shall be posted ~~pursuant to Section 10733.3, on the department's Internet Web site within 15 days of receipt.~~ If an agency identified in paragraph (1) ~~elects to opt~~opts out of being the exclusive groundwater management agency, any other local agency or combination of local agencies operating within the statutory boundaries of the agency that has ~~elected to opt~~opted out may notify the department pursuant to ~~subdivision (d)~~Section 10723.8 of its ~~election~~decision to be the groundwater sustainability agency.

(3) A local agency listed in paragraph (1) may comply with this part by meeting the requirements of Section 10733.6 or ~~electing~~opting to become a groundwater sustainability agency pursuant to this section. A local agency with authority to implement a basin-specific management plan pursuant to its principal act shall not exercise any authorities granted in this part in a manner inconsistent with any prohibitions or limitations in its principal act unless the governing board of the local agency makes a finding that the agency is unable to sustainably manage the basin without the prohibited authority.

~~(d) A~~The decision of a local agency or combination of ~~local~~ agencies ~~that elects to be the~~become a groundwater sustainability agency shall ~~submit a notice of intent to the department, which shall be posted pursuant to Section 10733.3. The notice of intent shall include a description of the proposed boundaries of the basin or portion of the basin that the local agency or combination of local agencies intends to manage pursuant to this part.~~take effect as provided in Section 10723.8.

10723.2. CONSIDERATION OF ALL INTERESTS OF ALL BENEFICIAL USES AND USERS OF GROUNDWATER

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

- (a) Holders of overlying groundwater rights, including:
 - (1) Agricultural users.
 - (2) Domestic well owners.
- (b) Municipal well operators.
- (c) Public water systems.
- (d) Local land use planning agencies.

- (e) Environmental users of groundwater.
- (f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies.
- (g) The federal government, including, but not limited to, the military and managers of federal lands.
- (h) California Native American tribes.
- (i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems.
- (j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

10723.4. MAINTENANCE OF INTERESTED PERSONS LIST

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

10723.6. COLLECTIVE ACTION TO SERVE AS GROUNDWATER SUSTAINABILITY AGENCY; PARTICIPATION BY PUC-REGULATED WATER COMPANIES

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

- (1) A joint powers agreement.
- (2) A memorandum of agreement or other legal agreement.

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

10723.8. NOTIFICATION OF DEPARTMENT AND POSTING BY DEPARTMENT

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

- (1) The service area boundaries, the boundaries of the basin or portion of the basin the agency ~~is managing~~intends to manage pursuant to this part, and the other agencies managing or proposing to manage groundwater ~~sustainability agencies operating~~ within the basin.
- (2) A copy of the resolution forming the new agency.

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

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

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

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

~~(d) Except as provided in subdivision (d), 90 days following the posting of the notice pursuant to this section~~ **subdivisions (e) and (f), after the decision to be a groundwater sustainability agency takes effect, the groundwater sustainability agency shall be presumed to be the exclusive groundwater sustainability agency within the area of the basin the within the service area of the local agency that the local agency is managing as described in the notice, provided that no other notice was submitted.**

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

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

~~(e) The department shall post all notices received under this section in accordance with Section 10733.3.~~

10724. PRESUMPTION THAT COUNTY WILL MANAGE AREAS NOT COVERED BY A GROUNDWATER SUSTAINABILITY AGENCY; EXTRACTION REPORTING TO STATE BOARD IF COUNTY DOES NOT MANAGE THOSE AREAS

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

(b) A county described in subdivision (a) shall provide notification to the department pursuant to Section 10723.8 unless the county notifies the department that it will not be the groundwater sustainability agency for the area. Extractions of groundwater made on or after July 1, 2017, in that

area shall be subject to reporting in accordance with Part 5.2 (commencing with Section 5200) of Division 2 if the county does either of the following:

- (1) Notifies the department that it will not be the groundwater sustainability agency for an area.
- (2) Fails to provide notification to the department pursuant to Section 10723.8 for an area on or before June 30, 2017.