

Introduced by Senator Dodd

February 07, 2017

An act to amend Section 13751 of, to add Sections 106.1 and 10729.4 to, and to add Article 5 (commencing with Section 13807) to Chapter 10 of Division 7 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Dodd. Water wells.

(1) Existing provisions of the California Constitution declare the policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of these waters is to be exercised with a view to the reasonable and beneficial use of the waters in the interest of the people and for the public welfare. Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water.

This bill would require, in an action alleging liability for interference with a well, reasonableness of each party's beneficial use of water to be determined through consideration of specified factors.

(2) Existing law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under existing law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance.

This bill would require an applicant for a new well permit in a city or county overlying a critically overdrafted basin, as defined, and where the proposed well is located within a critically overdrafted basin, to comply with certain requirements as part of an application for a well permit. The bill would require a city or county that receives an application for a well permit in a critically overdrafted basin to make certain information about the new well included in the application for a well permit available to groundwater sustainability agencies and publicly available and easily accessible and, before issuing any new well permit, to undertake a notice and comment period that includes a noticed public ~~hearing~~, *meeting*, as prescribed. The bill would authorize a city or county to issue a *new* well permit ~~pursuant to an adopted ordinance~~ *within a critically overdrafted basin* when these requirements have been met. By increasing the duties of cities and counties, this bill would impose a state-mandated local program.

(3) Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the department and designated as subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes the department to provide technical assistance to any groundwater sustainability agency in response to that agency's request for assistance in the development and implementation of a groundwater sustainability plan.

This bill would require the department to provide cities and counties overlying a critically overdrafted basin with ongoing technical assistance to implement the provisions described in paragraph (2).

(4) Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange well, or abandons or destroys a well, or deepens or reperforates a well, to file a report of completion, containing certain required information, with the department. Under existing law, the failure to comply with this requirement or the willful and deliberate falsification of a report of completion is a misdemeanor.

This bill would require a well completion report for a water well in a city or county overlying a critically overdrafted basin to include certain additional information, including, among other things, the proposed capacity, estimated pumping rate, anticipated pumping schedule, and estimated annual extraction volume. By adding to reporting requirements, the violation of which is a crime, this bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.