

AMENDED IN ASSEMBLY APRIL 14, 2016
AMENDED IN ASSEMBLY MARCH 15, 2016
AMENDED IN ASSEMBLY FEBRUARY 24, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1587

**Introduced by Assembly Member Mathis
(Coauthors: Assembly Members Travis Allen and Harper)**

January 6, 2016

An act to add ~~Article 2.12 (commencing with Section 65899.5)~~ to Chapter 4 of Division 1 of Title 7 of the Government Code, and to add Sections ~~1242.1~~ and *Section 79776* to the Water Code, relating to groundwater, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1587, as amended, Mathis. Groundwater.

~~Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.~~

~~This bill, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood conditions, would prohibit the board from requiring a permit to recharge groundwater if the water may be diverted and used without injury to a~~

lawful user of water, and the water may be diverted and used without unreasonable effect on other beneficial uses.

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

~~This bill, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood conditions, would prohibit a city or county overlying a basin designated as a high- or medium-priority basin from restricting the otherwise permissible amount of groundwater that may be extracted from the basin if groundwater is the only substantial source of water for the community in which the groundwater is being, or will be, extracted, unless the state has provided that community with infrastructure to supply a safe, reliable, and permanent alternative source of water.~~

Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$900,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans for, projects to prevent or clean up the contamination of groundwater that serves or has served as a source of drinking water. The bond act authorizes the use of \$100,000,000 of those funds for competitive grants for projects that develop and implement groundwater planning requirements.

This bill, in implementing the competitive grants for those projects that develop and implement groundwater planning requirements, would require special consideration be given to those projects that would create groundwater recharge basins in areas of fallow farmland. This bill would appropriate \$50,000,000 from the proceeds of the bond act for the purpose of that competitive grant program.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known and may be cited as the
2 Subsidence Abatement Act of 2016.

3 SEC. 2. The Legislature finds and declares as follows:

4 (a) California’s vast, natural aquifers were formed by rain and
5 melted snow that percolated into the soil over thousands of years.
6 When water is extracted in huge volumes, and there is insufficient
7 rain to replace it, the earth gradually sinks.

8 (b) Subsidence has been a recurring problem in the San Joaquin
9 Valley, the more arid southern half of California’s heavily farmed
10 Central Valley. In one example that became legendary among
11 groundwater experts, an area near Mendota sank 28 feet between
12 1925 and 1977. The issue largely abated with the advent of
13 California’s massive manmade plumbing system that showered
14 the valley with an abundance of surface water from northern
15 California. In recent years, as the Sierra snowpack has dwindled
16 and fresh water supplies have diminished, subsidence has returned
17 with a vengeance.

18 (c) A National Aeronautics and Space Administration (NASA)
19 study based on satellite imaging showed significant rates of
20 subsidence in recent times. A spot near Corcoran in the Tulare
21 Basin sank 12 inches in one recent eight-month period. Researchers
22 found a stretch near the California Aqueduct, the key highway of
23 the State Water Project, that sank eight inches in four months last
24 year.

25 (d) Subsidence is not a problem limited to the San Joaquin
26 Valley. A spot near Arbuckle in Colusa County sank five inches
27 during the last half of 2014, according to the NASA report.

28 (e) The rate of subsidence underscores how quickly underground
29 aquifers are being drained. A report by the University of California,
30 Davis, said farmers are pumping an additional six million acre-feet
31 of groundwater this year as compared to 2011, the year before the
32 drought started, in order to compensate for shortages in deliveries
33 of surface water from the State Water Project and the federal
34 Central Valley Project.

1 (f) Groundwater acts as a savings account to provide supplies
 2 during drought, but the NASA report shows the consequences of
 3 excessive withdrawals as we head into the fifth year of historic
 4 drought. The Legislature will work together with counties, local
 5 water districts, and affected communities to identify ways to slow
 6 the rate of subsidence and protect vital infrastructure, such as
 7 canals, pumping stations, bridges, and wells.

8 (g) Experts say subsidence makes it harder to replenish an
 9 aquifer once the rains come because subsidence effectively
 10 compacts the soil, making it harder to store water underground.

11 ~~SEC. 3. Article 2.12 (commencing with Section 65899.5) is~~
 12 ~~added to Chapter 4 of Division 1 of Title 7 of the Government~~
 13 ~~Code, to read:~~

14
 15 ~~Article 2.12. Community Groundwater Extraction~~

16
 17 ~~65899.5. During a period for which the Governor has issued~~
 18 ~~a proclamation of a state of emergency under the California~~
 19 ~~Emergency Services Act (Chapter 7 (commencing with Section~~
 20 ~~8550) of Division 1 of Title 2) based on drought or flood~~
 21 ~~conditions, a city or county overlying a basin designated as a high-~~
 22 ~~or medium-priority basin shall not restrict the otherwise permissible~~
 23 ~~amount of groundwater that may be extracted from the basin,~~
 24 ~~including, but not limited to, through a conditional use permit, if~~
 25 ~~groundwater is the only substantial source of water for the~~
 26 ~~community in which the groundwater is being, or will be, extracted,~~
 27 ~~unless the state has provided that community with infrastructure~~
 28 ~~to supply a safe, reliable, and permanent alternative source of~~
 29 ~~water.~~

30 ~~SEC. 4. Section 1242.1 is added to the Water Code, to read:~~

31 ~~1242.1. Notwithstanding any other law, during a period for~~
 32 ~~which the Governor has issued a proclamation of a state of~~
 33 ~~emergency under the California Emergency Services Act (Chapter~~
 34 ~~7 (commencing with Section 8550) of Division 1 of Title 2 of the~~
 35 ~~Government Code) based on drought or flood conditions, the board~~
 36 ~~shall not require a permit to recharge groundwater if the following~~
 37 ~~conditions are met:~~

38 ~~(a) The water may be diverted and used without injury to a~~
 39 ~~lawful user of water.~~

1 ~~(b) The water may be diverted and used without unreasonable~~
2 ~~effect on other beneficial uses.~~

3 ~~SEC. 5.~~

4 *SEC. 3.* Section 79776 is added to the Water Code, to read:

5 79776. In implementing Section 79775, special consideration
6 shall be given to those projects that would create groundwater
7 recharge basins in areas of fallow farmland.

8 ~~SEC. 6.~~

9 *SEC. 4.* Fifty million dollars (\$50,000,000) is hereby
10 appropriated from the Water Quality, Supply, and Infrastructure
11 Improvement Fund of 2014 for the purpose of Section 79775 of
12 the Water Code.

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