

CHAPTER 449

An act relating to the Sierra Valley and Long Valley Groundwater Basins, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1980 Filed with Secretary of State July 13, 1980.]

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

Article 1. Creation

Sec. 101. Articles 1 to 12, inclusive, of this act shall be known and may be cited as the Sierra Valley Groundwater Basin Act.

Sec. 102. The Board of Supervisors of the County of Plumas and the Board of Supervisors of the County of Sierra may, by a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, create a district known and designated as the "Sierra Valley Groundwater Management District" which shall have the boundaries specified in Section 201 and which may exercise the express powers granted by this act for purposes of groundwater management within the Sierra Valley Groundwater Basin, together with such other powers as are reasonably implied and necessary and proper to carry out the objects and purposes of the district. The Legislature hereby finds and declares that the preservation of the groundwater within Sierra Valley for the protection of agricultural and other resources is in the public interest and that the creation of a district pursuant to this act is for the common benefit of the Sierra Valley water users.

Article 2. Boundaries

Sec. 201. For the purposes of this act, the boundaries of the Sierra Valley Groundwater Management District are as follows:

Beginning at the southeast corner of Section 3, Township 21 North, Range 13 East, M.D.M., which is a point on the county line between the Counties of Plumas and Sierra and running thence north one mile along the east line of said Section 3 to the south boundary of Township 22 North, Range 13 East, M.D.M.; thence west one-half mile on the township line to the south quarter section corner of Section 34, Township 22 North, Range 13 East, M.D.M.; thence north 2 miles to the south boundary of Section 22 said township and range; thence east on the section line one-half mile to the section corner common to Sections 22, 23, 26, and 27 of said township and range; thence north on the section line one-half mile to the quarter section corner between Sections 22 and 23, said township and range; thence east one-half mile to the center quarter corner of Section 23, said township and range; thence north one-half mile to the north line of Section 23, said township and range; thence east on the section line one and one-half miles to the range line between Range 13 East and Range 14 East; thence north along said range line to the northwest corner of Section 18, Township 22 North, Range 14 East, M.D.M.; thence east along the north boundary of Section 18, said township and range, to the northeast corner of Section 18, said township and range; thence north one-half mile to the

quarter section corner common to Sections 7 and 8, said township and range; thence east one-half mile to the center of Section 8, said township and range; thence north one-half mile to the quarter section corner between Sections 8 and 5, said township and range; thence east on the section line one-half mile to the southeast corner of said Section 5; thence north one mile along the east boundary of said Section 5 to the northeast corner of said Section 5 which is on the south boundary of Township 23 North, Range 14 East, M.D.M.; thence west one-half mile to the south quarter section corner of Section 32, Township 23 North, Range 14 East, M.D.M.; thence north one and one-half miles to the center of Section 29, said township and range; thence east one mile to the center of Section 28, said township and range; thence north along the half section lines four and one-half miles to the north quarter section corner of Section 4, said township and range;

Thence east on the township line sixteen and one-half miles along the north boundary of township 23 North to the northeast corner of Section 6, Township 23 North, Range 17 East, M.D.M., which is on the easterly boundary of the County of Plumas;

Thence along the easterly boundary of the County of Plumas south on the section line six miles to the north corner of Sections 5 and 6, Township 22 North, Range 17 East, M.D.M.; thence south on the section lines two miles to the corner common to Sections 7, 8, 17, and 18, said township and range; thence west on the section line one-half mile to the quarter section corner on the north line of Section 18, said township and range; thence south one mile to the north quarter section corner of Section 19, said township and range; thence west one-half mile to the northeast corner of Section 24, Township 22 North, Range 16 East, M.D.M.; thence south on the section line one mile to the southeast corner of said Section 24; thence west on the section line one mile to the southwest corner of said Section 24; thence south on the section lines two miles to the southerly boundary of the County of Plumas at the southeast corner of Section 35, Township 22 North, Range 16 East, M.D.M.;

Thence south on the section line between Sections 1 and 2, Township 21 North, Range 16 East, M.D.M., approximately one-quarter mile to the watershed crestline; thence southerly along the watershed crestline through Sections 1, 12, 13, 24, and 25, Township 21 North, Range 16 East, M.D.M.; thence southeasterly along the watershed crestline through Section 31, Township 21 North, Range 17 East, M.D.M.; thence southerly along the watershed crestline through Sections 5, 8, 9, 16, 17, 19, 20, 29, and 30, Township 20 North, Range 17 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 25, 36, 35, 34, 33, 28, and 32, Township 20 North, Range 16 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 5 and 6, Township 19 North, Range 16 East, M.D.M.; thence southwesterly along the watershed crestline through Sections 1, 12, 11, 14, 15, 16, and 17, Township 19 North, Range 15 East, M.D.M.; thence northwesterly along the watershed crestline through Sections 24, 23, 22, 15, 16, 17, 8, 7, and 6, Township 19 North, Range 14 East, M.D.M.; thence northerly along the watershed crestline through Sections 36, 25, 24, 23, 14, 11, 10, and 3, Township 20 North, Range 13 East, M.D.M.; thence northerly along the watershed crestline through Sections 35, 34, 27, 26, 23, 13, 14, and 11 to a point on the north line of said Section 11, which line is also the boundary line between the Counties of Sierra and Plumas; thence west approximately three-eighths mile along said section line to the southeast corner of Section 3, which is also the point of beginning.

Article 3. Definitions

Sec. 301. Unless otherwise indicated by their context, the terms defined in this article govern the interpretation of this act.

Sec. 302. "Available supply" means the quantity of groundwater which can be withdrawn annually from the groundwater basin without resulting in or aggravating conditions of overdraft, subsidence, or groundwater quality degradation. Available supply of the groundwater basin includes the average annual natural water supply, imported water or other water which has been spread to the basin or otherwise added to the basin, and return flows to the basin attributable to these sources reaching the groundwater basin in the course of use.

Sec. 303. "Board of directors" means the governing body of the district created and organized by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

Sec. 304. "Development project" means a project undertaken for the purpose of development of property involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use granted by one or more public agencies, including, but not limited to, any of the following:

- (a) A tentative map or tentative parcel map required by local ordinance or the Subdivision Map Act (commencing with Section 66410 of the Government Code)
- (b) A special or conditional use permit.
- (c) A zone amendment.

Sec. 305. "District" means a groundwater management district within the area established by a joint powers agreement pursuant to this act or as designated by this act.

Sec. 306. "District off-basin user" means a person extracting groundwater for use on land within the district which does not overlie the groundwater basin.

Sec. 307. "Export" means groundwater extracted for use outside the boundaries of the district.

Sec. 308. "Extraction" means the act of obtaining groundwater by pumping or other controlled means.

Sec. 309. "Extraction facility" means any device or method for the extraction of groundwater within the groundwater basin.

Sec. 310. "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water. "Groundwater" does not include any water which, on the effective date of this act, is subject to appropriation under Part 2 (commencing with Section 1200) of Division 2 of the Water Code.

Sec. 311. "Groundwater basin" means the groundwater basin within the boundaries of the district and any subbasins located therein.

Sec. 312. "Groundwater rights adjudication" means the determination of substantially all rights in the groundwater basin or the area subject to the adjudication.

Sec. 313. "Operator" means the person who operates an extraction facility. "Operator" also means the person to whom the extraction facility is assessed by the county assessor or, if not separately assessed, the person who owns the land upon which an extraction facility is located.

Sec. 314. "Overdraft" means the condition of the groundwater basin where the average annual amount of water extracted exceeds the average annual supply of water to the basin, plus any temporary surplus.

Sec. 315. "Person" includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.

Sec. 316. "Program" means a groundwater management program prepared by the district pursuant to this act.

Sec. 317. "Replenishment" means spreading water over a permeable area for the purpose of allowing it to percolate to the groundwater basin, or otherwise adding water to the groundwater basin which without such effort would not augment the groundwater supply.

Sec. 318. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the groundwater basin and flood waters that are conserved and saved within the watershed or watersheds which would otherwise have been lost or would not have reached the groundwater basin.

Sec. 319. "Temporary surplus" means the amount of water than can be extracted from the groundwater basin, without adversely affecting the available supply of the groundwater basin, to provide storage space for natural recharge that would be lost during wet years if it could not be stored in the groundwater basin.

Sec. 320. "Water year" means the period from October 1 of one calendar year to September 30 of the following calendar year.

Sec. 321. "Well interference" means a substantial water level decline in a short time period in a localized area caused by pumping from extraction facilities.

Sec. 322. "Zone of benefit" means an area, including, but not limited to, subbasins within the district which will benefit from planning, studies, or any management program undertaken by the district in a manner different from other areas or subbasins within the district.

Article 4. General Provisions

Sec. 401. The joint powers agreement creating the district shall prescribe the form and organization of the board of directors of the district. The board of directors shall be the governing body of the district and shall exercise the powers of the district as set forth in this act.

Sec. 402. The rights and powers granted to the counties and the districts by this act are in addition to those powers which they already have or those which may be granted. No provision of this act shall be interpreted as denying to the counties or the districts any rights or powers they already have or those which they may be granted, except as specifically provided for in this act.

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

Sec. 404. Any ordinance adopted pursuant to this act may become effective upon adoption. Within 10 days after its adoption, the ordinance shall be published pursuant to Section 6061 of the Government Code. From and after the publication, any person who does not comply with the provisions of an ordinance may be liable civilly for a sum not to exceed one thousand

dollars (\$1,000) for each day an ordinance is not complied with, in addition to any penalties established pursuant to Section 403.

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

Sec. 406. Within 60 days after publication of any ordinance or resolution establishing or in furtherance of a groundwater management program, any interested party may file with the superior court a petition for writ of mandate for the review thereof. Failure to file such an action shall not preclude a party from challenging the validity of such an ordinance or resolution in any judicial proceedings brought to enforce such ordinance or resolution or for such other civil remedies, including the imposition of civil penalties. The right to seek judicial review shall not be affected by the failure to seek reconsideration from the board of directors.

Sec. 407. The board of directors may reconsider all or part of a decision on petition of any person affected by the decision. Any such petition shall be filed with the district within 15 days after adoption of the decision by the board of directors. The board of directors shall decide whether to reconsider its decision within 60 days after the petition is filed.

Article 5. Studies and Investigations

Sec. 501. The district may carry on technical and other necessary investigations of all kinds and collect data necessary to carry out the provisions of this act. The district shall have the right of access to all properties within the district to the extent permitted by the United States Constitution and the California Constitution.

Sec. 502. The district may cooperate and contract with federal, state, and local governmental agencies in the conduct and performance of all investigations, studies, and data collection.

Sec. 503. All investigations and studies carried out by or on behalf of the district shall be conducted by licensed engineers or experts in groundwater geology or hydrology. The district shall not implement groundwater management programs until the board of directors has received the recommendations of its engineers, consultants, and staff.

Sec. 504. The district may prepare annually a report on groundwater supplies and conditions in the district, including groundwater management objectives and a plan of implementation of those objectives.

Article 6. Registration of Groundwater Extraction

Sec. 601. The district may require extraction facilities to be registered with the district and, if required by the board of directors, measured with a water flow measuring device installed and calibrated by the district or, at its option, by the extraction facility operator. The district may also require any new extraction facility which is constructed, existing extraction facility which is deepened, or abandoned extraction facility which is reactivated to be registered with the district within 30 days of completion of construction, deepening, or reactivation, and, if required by the board of directors, measured with a water flow measuring device installed and calibrated by the district or, at its option, by the extraction facility operator.

Sec. 602. In addition to other information which the district may require, the district may require for each registered extraction facility information as to the operator of each extraction facility, the owner of the land upon which each extraction facility is located, and a general description of the equipment associated with each extraction facility and the location of each water extraction facility.

Sec. 603. It shall be unlawful to extract groundwater from any extraction facility required to be registered unless the extraction facility has been registered with the district and, if required, has a water flow measuring device affixed. Any person who does not comply with the provisions of this section shall be liable civilly for a sum not to exceed one thousand dollars (\$1,000) for each day the provisions are not complied with, in addition to any penalties established pursuant to Section 403.

Sec. 604. The district may, after notice and hearing, and based upon the findings and determinations from the hearing, require the operator of each extraction facility, until the extraction facility has been permanently abandoned, to file with the district, by a date established by the board of directors, a statement relative to groundwater extraction, including, but not limited to, total extraction in acre-feet of water from each extraction facility for the preceding water year, the static groundwater level for each extraction facility, a general description or number locating each extraction facility, crop type and acreage served by the extraction facility, and the method of measuring or computing groundwater extraction. The statement shall be verified by a written declaration that it is made under penalty of perjury. The operator of an extraction facility which has been permanently abandoned shall give written notice of the abandonment to the district.

Sec. 605. When a water flow measuring device is used at an extraction facility, the record of extraction, as disclosed by the water flow measuring device, shall be presumed to be accurate and shall be used as the basis for computing the water extraction of the extraction facility in completing the groundwater extraction statement. The district may require proof of the accuracy of the water flow measuring device from the operator and may, absent adequate proof of accuracy, order the operator to have the water flow measuring device calibrated in a manner acceptable to the district. If the district has probable cause to believe that the extraction of groundwater from any extraction facility is in excess of the amount reported in groundwater extraction statements, or if no statements are filed covering an extraction facility, the district may investigate the extraction of water from each such extraction facility.

Sec. 606. The the board of directors may establish reasonable methods to be used in computing the amount of water extracted by extraction facilities.

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

Article 7. Powers of the District

Sec. 701. If, upon receipt of the recommendations of its engineers, consultants, and staff, the board of directors determines that groundwater management activities may be necessary, the board of directors shall give notice of and hold a hearing to receive evidence on the need for such a program and on the form and scope of the management activities required.

Sec. 702. If, upon conclusion of the hearing, and consideration of any relevant investigations, studies, or results performed pursuant to Article 5 (commencing with Section 501) and Article 6 (commencing with Section 601), the board of directors determines that management in the form proposed is necessary for the sound management of the groundwater within the groundwater basin, the district may, by ordinance, exercise any of the following powers:

- (a) The district may store water in and recapture water from surface reservoirs or groundwater basins within the district.
- (b) The district may acquire water and water rights within or outside of the district.
- (c) The district may purchase and import water into the district.
- (d) The district may conserve and reclaim water within or outside of the district and require conservation practices and measures within the district.
- (e) The district may buy and sell water and water rights at such rates as shall be determined by the board of directors.
- (f) The district may exchange water and water rights.
- (g) The district, in order to improve and protect the quality of groundwater supplies or to respond to, and rectify, conditions of subsidence, may treat, inject, extract, or otherwise control water, including, but not limited to, control of extractions, well construction and drainage problems. Such powers shall include the right to regulate, limit, or suspend extractions from extraction facilities, the construction of new extraction facilities, the enlarging of existing facilities, or the reactivation of abandoned extraction facilities.
- (h) The district may regulate groundwater replenishment programs and recapture supplemental groundwater resulting from such programs within the district as provided by this act. The district shall have the power to determine the amount of groundwater basin storage space available and to allocate groundwater basin storage space within the groundwater basin.
- (i) The district, or other persons pursuant to an agreement with the district, shall have the sole right to store and recapture water in the groundwater basin.
- (j) The district may commence and prosecute actions to enjoin unreasonable uses or methods of use of water within the district or outside of the district to the extent such uses or methods of use affect the groundwater supply within the district.

Sec. 703. The district may impose spacing requirements on new extraction facility construction to minimize well interference.

Sec. 704. The district may, at the request of a district water user, impose reasonable operating regulations on extraction facilities to minimize well interference. Such regulations may, where feasible, require pumpers to operate on a rotation basis. Rotation shall not be deemed

feasible if it would require an overlying owner to construct a new well to irrigate the acreage being irrigated by a single existing well.

Sec. 705. (a) The district may, at the request of a water user, and after notice to all affected persons, convene a hearing to ascertain if the legal rights of the complaining water user have been infringed through well interference by the extractions of any other operator within the district.

(b) If, on the basis of the hearing record, the board of directors determines that the legal rights of the complaining water user have been infringed, the board of directors may make such orders as are necessary to provide the complaining water user with an adequate remedy to the well interference.

(c) The district may petition the appropriate superior court for enforcement of its order.

Sec. 706. (a) No groundwater shall be exported from the district unless the exporter has applied for and obtained a permit from the district which establishes the quantity of water which may be exported and the conditions on such export. Notwithstanding any 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 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, 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, the district may limit or suspend extractions by overlying users. Any such limitation or suspension of extraction shall be done in the manner described in Section 709.5.~~

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. 709.5.** In the event that the district limits or suspends extractions by overlying users, rights to the use of the available supply of groundwater shall be allocated primarily on the basis of the number of acres that an overlying 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.~~

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 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. 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. 710. ~~If the district has imposed reductions on overlying owners pursuant to Section 709, no operator may extract groundwater from a new, enlarged, or reactivated extraction facility for use on overlying land within the district until the operator has applied for and received a permit from the district.~~

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. 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 overlying water 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.~~

(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. 712. If any court is petitioned to adjudicate the groundwater basin or any part thereof, whether the petition is filed by the district or by any person, the court shall base any judgment, ruling, or findings of fact primarily on the number of overlying acres that the parties own in proportion to the total number of overlying acres in the basin or subbasin. In order to reach an equitable distribution, the court may adjust any amounts so arrived at for any of the following factors:

- (a) Wasteful or inefficient use.
- (b) Reasonable need.
- (c) Reduction or suspension of extractions required by the district.
- (d) Any other factors that the court feels it should consider in order to reach an equitable distribution.

Sec. 713. In order to preserve and manage the groundwater resources of the district, the district may commence, maintain, intervene in, defend and compromise, and assume the costs and expenses incurred by the district in actions and proceedings now or hereafter begun involving groundwater, including, but not limited to, groundwater rights adjudication.

Article 8. Groundwater Extraction Charges

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

(b) Groundwater extraction charges are authorized to be levied for the benefit of all who rely directly or indirectly upon the groundwater resources of the district. Groundwater extraction charges are authorized to be levied upon the extraction of groundwater from all groundwater extraction facilities, except the extraction of water stored pursuant to a groundwater storage

agreement or other storage commenced before the creation of the district, and except upon the use of supplemental water as an alternate source in lieu of groundwater.

Sec. 802. (a) Groundwater extraction charges may be levied for the purpose of purchasing water to replenish the groundwater supply in the district. Groundwater extraction charges may also be levied for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act. These activities shall be consistent with the rendering of groundwater management services by the district.

(b) Groundwater extraction charges shall be levied only within a zone or zones of benefit of the district which will benefit from the management activities set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act.

Sec. 803. (a) Before the levy of groundwater extraction charges, the board of directors shall, after notice and hearing, find and determine on the basis of the hearing record and any investigations or reports prepared pursuant to this act, the amount of water which is required and can be purchased for the replenishment of groundwater supplies in the district for the ensuing water year and the sum of money necessary for that purpose, and the activities required to prepare or implement any groundwater management program for the district and to initiate, carry on, or complete any of the other powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act and the sum of money necessary for those activities.

(b) The board of directors shall determine the need and desirability of levying a groundwater extraction charge for the purpose of purchasing water to replenish the groundwater supply in any zone or zones of benefit, or for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act. The board of directors shall find that the charge is necessary to finance or otherwise support the groundwater management services provided by the district.

Sec. 804. The groundwater extraction charge rate shall be uniform for groundwater extraction within each zone of benefit in the district.

Sec. 805. Groundwater extraction charges shall be calculated on the basis of groundwater extraction statements required to be filed pursuant to this act.

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

Sec. 807. The total of the groundwater extraction charges levied in any year shall not exceed an amount of money found to be necessary to purchase water to replenish the groundwater supply in the district, plus an amount of money found to be necessary to pay the costs of initiating, carrying on, and completing any of the powers, projects, and purposes set

forth in Articles 6 (commencing with Section 601) and 7 (commencing with Section 701) of this act.

~~**Sec. 808.** If any operator of an extraction facility does not pay the groundwater extraction charge when due, the district shall charge interest at the rate of 1½ percent each month on the delinquent amount of the groundwater extraction charge.~~

The groundwater extraction charge may, at the option of the district, be collected on the tax rolls of both counties in which the district is situated in the same manner, by the same persons, and at the same time as, together with and not separately from, county ad valorem property taxes. In lieu of this election, the district shall collect groundwater extraction charges at the same time, together with penalties and interest at the same rates, as is prescribed for the collection of county ad valorem property taxes. The amount of an unpaid groundwater extraction charge together with any penalty or interest thereon shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing ad valorem property taxes.

Article 9. Management Charges

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

Sec. 902. Each year the district may fix a management charge for the purpose of paying the costs of initiating, carrying on, and completing any of the powers, projects, and purposes for which the district is organized.

Sec. 903. Before the levy of management charges, the board of directors shall, after notice and hearing, find and determine the portions of the district to be benefitted by management and planning activities, the need for management charges for the purpose of paying the costs of these activities, and the amount of the charges to be levied.

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

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

The management charge may, at the option of the district, be collected on the tax rolls of both counties in which the district is situated in the same manner, by the same persons, and at the same time as, together with and not separately from, county ad valorem property taxes. In lieu of this election, the district shall collect management fees at the same time, together with penalties and interest at the same rates, as is prescribed for the collection of county ad valorem property taxes.

~~**Sec. 906.** The amount of the unpaid management charge plus the penalty shall be added to the tax levied annually upon the land subject to the management charge. The amount~~

~~of the unpaid management charge plus the penalty shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing such annual taxes. The amount of an unpaid management charge together with any penalty and interest thereon shall constitute a lien on that land as of the same time and in the same manner as does the tax lien securing county ad valorem property taxes.~~

~~**Sec. 907.** At least 15 days before the first day of the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the board of directors shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the district upon which a management charge remains unpaid, together with the amount of the unpaid management charge plus penalty 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 so inform the local agency.~~
- ~~(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 proportionate basis, the district shall determine and inform the local agency of the development project's proportionate share of the available groundwater supply.~~
- ~~(f) The district shall inform the local agency of any subsidence or groundwater quality degradation problems which it determines would result from the extraction of water for the development project.~~

~~**Sec. 1104.** No local agency having land use jurisdiction shall approve a development project which, to meet its reasonable needs, will require more groundwater than has been found to be available by the district pursuant to Section 1103, or if the district has determined that groundwater extraction will cause significant subsidence or groundwater quality degradation.~~

~~**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. 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 finding 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. (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 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.

Article 12. Enforcement Powers

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

Sec. 1202. The right to proceed for injunctive relief is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The district shall not be required to provide an undertaking or bond as a condition of a grant of injunctive relief.

Sec. 1203. In any action brought pursuant to this act in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

Sec. 1204. The district may petition the superior court of a county in which the district lies to recover any sums due to the district pursuant to any provision of this act. The district shall make such request only after a hearing with due notice of the hearing given to all affected persons.

Sec. 1205. Remedies under this article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

Sec. 1206. All moneys collected by the district pursuant to this act shall be placed in an account and shall be available without regard to fiscal year for expenditure by the district in carrying out its groundwater management functions pursuant to this act.

Article 13. Long Valley Groundwater Basin

Sec. 1301. The Board of Supervisors of the County of Lassen and the Board of Supervisors of the County of Sierra may jointly enter into an agreement with the State of Nevada or the County of Washoe, or both, for the purposes of groundwater management within the Long Valley Groundwater Basin. The Board of Supervisors of the County of Lassen and the Board of Supervisors of the County of Sierra may, by a joint powers agreement entered into pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, exercise any of the powers set forth in Sections 402 to 407, inclusive, and Articles 5 (commencing with Section 501) to 12 (commencing with Section 1201), inclusive, of this act within the Long Valley Groundwater Basin.

Sec. 1302. For the purposes of this act, the boundaries of the Long Valley Groundwater Basin are as follows:

- (a) All that land in Lassen County lying southerly of a line described as follows: In T24N, R18E, M.D.B. & M.: Starting at the SE corner of Section 18; thence west along said section line to its intersection with the eastern line of Section 13 in T24N, R17E; thence

north on said line to the SE corner of Section 12 in T24N, R17E; thence west to the Plumas County line.

(b) All that land in Sierra County within the following boundaries: Beginning at the intersection of the watershed crestline and the north line of Section 1, T21N, R16E, M.D.B. & M., which is a point on the county lines of the Counties of Plumas, Lassen, and Sierra; thence southerly along watershed crestline through Sections 1, 12, 13, 14, 25, and 36, T21N, R16E, M.D.B. & M.

Thence southeasterly along the watershed crestline through Section 31, T21N, R17E, M.D.B. & M.

Thence southeasterly along the watershed crestline through Sections 5, 8, 9, 16, 15, 10, 11, 12, and 13, T20N, R17E, M.D.B. & M.

Thence easterly along watershed crestline through Section 19, T20N, R18E, M.D.B. & M. to the point of intersection with the common line of the State of California and the State of Nevada.

Thence north along the common line of the State of California and the State of Nevada to the NE corner of Section 6, T21N, R18E,

M.D.B. & M.

Thence westerly along county line between the Counties of Lassen and Sierra, California, to the point of beginning.

Sec. 1401. 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 the necessity are:

In order to provide for the sound management of the groundwater resources of Sierra and Long Valleys which are suffering from special problems which immediately threaten the continued availability of groundwater in those basins, and to protect the agriculture and the economic well-being of those valleys which are dependent on the groundwater resources, it is necessary that this act take effect immediately.