



LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

**TO: MEMBERS, FORMATION COMMISSION**  
**FROM: DAVID CHURCH, AICP, EXECUTIVE OFFICER**  
**DATE: MAY 21, 2015**  
**SUBJECT: LEGISLATIVE UPDATE-GROUNDWATER RESOURCE BILLS**

**Recommendation.** It is respectfully recommended that the Commission receive and file this report.

### **GROUNDWATER RESOURCE BILLS**

The following bills are related to Groundwater Resource Management. Also attached for your information is a Staff analysis from the Assembly Committee on Apportions for Assembly Bill 617 which is summarized below. On page three of the analysis a section entitled Related Legislation lists the bills (14) that are being considered by the legislature with regard to groundwater.

**AB 617 (Perea)** Existing law authorizes a combination of local agencies to form a groundwater sustainability agency by a joint powers agreement, memorandum of agreement, or other legal agreement, and authorizes a water corporation regulated by the Public Utilities Commission to participate. This bill would authorize a combination of one or more local agencies and **one or more mutual water** companies to enter into an agreement to form a groundwater sustainability agency and would authorize a groundwater sustainability agency formed by a joint powers agreement to exercise the powers granted in the act. **Status:** In committee process.

**AB 1390 (Alejo) Adjudication-Excerpt from-Synopsis: Assembly Committee of the Judiciary.** This bill would "streamline" the procedures for adjudicating a groundwater basin. Last year's Sustainable Groundwater Management Act (SGMA) requires local agencies to develop sustainable basin-wide groundwater plans by 2020 (or 2022 in some cases). This bill would make several changes in the manner in which basin-wide adjudications are initiated, noticed, and conducted. Specifically, the bill hopes to make the process more efficient by, among other things, changing notice requirements,

#### **COMMISSIONERS**

Chairman

TOM MURRAY

Public Member

Vice-Chairman

FRANK MECHAM

County Member

MURIL CLIFT

Special District Member

ROBERTA FONZI

City Member

BRUCE GIBSON

County Member

FRANK MECHAM

County Member

MARSHALL OCHYLSKI

Special District Member

EDWARD WAAGE

City Member

#### **ALTERNATES**

DAVID BROOKS

Public Member

ROBERT ENNS

Special District Member

ADAM HILL

County Member

JAMIE L. IRONS

City Member

#### **STAFF**

DAVID CHURCH

Executive Officer

RAYMOND A. BIERING

Legal Counsel

MIKE PRATER

Analyst

DONNA J. BLOYD

Commission Clerk

requiring a preliminary hearings, making greater and earlier use of case management conferences, limiting motions to change venue or disqualify a judge, maximizing the use of electronic service, appointing special masters, and having all adjudications presumptively designated as "complex litigation."

At one point the bill had been amended to include a provision that would exempt a basin adjudicated under this bill from SGMA; however, because the bill's purpose is to streamline the adjudication process without impacting SGMA, that provision has been deleted. As it stands right now, a new adjudication would be subject to SGMA. **Status:** In the Assembly Committee on Appropriations-hearing is scheduled for May 13. Passed the Assembly Water, Parks and Wildlife and Judiciary Committees.

**SB 13 (Pavley) Groundwater.** This bill would specify that the State Water Resources Control Board is authorized to designate a high-or-medium priority basin as a probationary basin. It would authorize mutual water companies to be part of a GSA through a Memorandum of Agreement or JPA.

This bill would also provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. The bill also clarifies that a local agency can "opt" in or out as a GSA for a portion a basin. This bill contains other related provisions and other existing laws. **Status:** Passed out of the Senate and is now in the Assembly.

**SB 226 (Pavley) Sustainable Groundwater Management Act.** This is another bill that would streamline the adjudication process. It would provide, under the Sustainable Groundwater Management Act, that a groundwater sustainability plan or coordinated groundwater sustainability plans establishes a timely method for determining rights to groundwater in furtherance of the objectives of the act. This bill would require the process to be available to any court of competent jurisdiction. This bill would require the boundaries of a basin to be as identified in Bulletin 118, unless other basin boundaries are established, as specified. **Status:** Referred to Senate Appropriations Committee-hearing is scheduled for May 18. Passed the Senate's Natural Resources and Water and Judiciary Committees.