

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1044 (Macedo) – As Introduced February 20, 2025

SUBJECT: Tulare Basin Groundwater Sustainability Agency Act

SUMMARY: Creates the Tulare Basin Groundwater Sustainability Agency (GSA) to oversee groundwater management and compliance with the Sustainable Groundwater Management Act (SGMA) in portions of the Tule subbasin in eastern Tulare County. Specifically, **this bill:**

- 1) Creates the Tulare Basin GSA to comply with SGMA within its boundaries.
- 2) Provides the initial boundaries of the Tulare Basin GSA shall include all land located within the boundaries of Hope Water District and Ducor Water District as well as a yet-to-be-determined amount of land within the County of Tulare.
- 3) Provides the initial boundaries may change upon an action by the Tulare Basin GSA board at a public hearing with 14 days' notice. Provides the boundaries shall not include an area subject to management by another GSA or a management area unless the Tulare Basin GSA has entered into an MOU or other legal agreement with said GSA.
- 4) Provides that the Tulare Basin GSA shall be governed by a five-member board that consists of the following members:
 - a) One member chosen by Hope Water District;
 - b) One member chosen by Ducor Water District;
 - c) One member chosen by Tulare County; and
 - d) Two members chosen by the other three members from a list of nominees provided by the Tulare County Farm Bureau to represent groundwater-dependent agricultural interests within the territory of the Tulare Basin GSA.
- 5) Provides that board members shall serve terms of four years except members appointed by the Hope Water District, Ducor Water District, and Tulare County shall serve only so long as the member is an official of the appointing agency. Members appointed by the Hope Water District, Ducor Water District, and Tulare County may serve more than one term.
- 6) Provides that the board may adopt an ordinance to compensate board members up to \$100 per day for each day of service rendered, including attendance at board meetings. This amount may increase up to 5% annually and board members may not be compensated for more than 10 days of service per month.
- 7) Authorizes the board to adopt resolutions, policies, rules and regulations at a public hearing for the purpose of regulating, conserving, managing, and controlling groundwater within the agency's territory.

- 8) Requires the Tulare Basin GSA to enter into a coordination agreement with other GSAs managing portions of the Tule subbasin.
- 9) Authorizes the Tulare Basin GSA to exclude groundwater pumpers from any of its policies, rules, or regulations if the pumper extracts less than a minimum amount of groundwater annually specified by the board.
- 10) Provides the Tulare Basin GSA may collect data and conduct technical and other investigations to carry out the purposes of this bill.
- 11) Provides the Tulare Basin GSA may exercise any of the powers and authorities granted to GSAs by SGMA.
- 12) Authorizes the Tulare Basin GSA to impose fees, including permit fees and groundwater extraction fees, to fund the costs of a groundwater sustainability program.
- 13) Adds the Tulare Basin GSA to the list of “exclusive” local agencies with authority to manage groundwater and comply with SGMA within their respective agency boundaries.
- 14) Adds a savings clause providing that in the event of any conflict between SGMA and this bill, the provisions of SGMA shall prevail.
- 15) Defines various terms for purposes of this bill.
- 16) Makes various legislative findings and declarations regarding the need for this bill.

EXISTING LAW:

- 1) Requires, under the Sustainable Groundwater Management Act, local agencies to sustainably manage groundwater in critically over-drafted basins by 2040 and in high- or medium-priority basins by 2042. Defines sustainable management of groundwater as the avoidance of the following six “undesirable results:” (a) chronic lowering of groundwater levels; (b) reduction of groundwater storage; (c) seawater intrusion; (d) degraded water quality; (e) land subsidence; and (f) depletions of interconnected surface water (Water Code § 10720 *et seq.*).
- 2) Requires local agencies in high- and medium-priority basins to form a groundwater sustainability agency (GSA) by June 30, 2017, unless statute designates an “exclusive local agency” for a given area. Provides that a county will be the default GSA for any area in a high- or medium- priority basin not managed by a GSA unless said county notifies the Department of Water Resources that it will not be the GSA for an uncovered portion of a high- or medium-priority basin (Water Code §§ 10723 – 10724).
- 3) Provides that a GSA may be formed by a combination of local agencies via a joint powers agreement or memorandum of agreement or other legal agreement (Water Code § 10723.4).
- 4) Provides that a Groundwater Sustainability Plan (GSP) may be a single plan covering a basin implemented by a single GSA, a single plan covering a basin implemented by multiple GSAs, or multiple plans implemented by several GSA subject to a coordination agreement (Water Code § 10727).

- 5) Requires GSAs intending to develop and implement multiple GSAs in a basin to coordinate with each other and ensure the GSPs utilize the same data and methodologies for the following assumptions: (a) groundwater elevation data; (b) groundwater extraction data; (c) surface water supply; (d) total water use; (e) change in groundwater storage; (f) water budget; and (g) sustainable yield.
- 6) Designates 17 local agencies as the “exclusive local agencies” within their service territory that are responsible for complying with SGMA. Examples include Desert Water Agency, Fox Canyon Groundwater Management Agency, Orange County Water District, and Pajaro Valley Water Management Agency [Water Code § 10723(c)].

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author asserts that this bill “restores stability to the community by creating a dedicated [GSA], empowering the County to protect its water resources, support its agricultural economy, and secure a sustainable future for its residents.” The author estimates the boundaries of the Tulare Basin GSA proposed in this bill represent approximately one-half of the territory previously managed by the Eastern Tule GSA.
- 2) **Background.** SGMA was enacted in 2014 to create a statewide requirement for sustainably managing groundwater resources. The objective of SGMA is to ensure the long-term reliability of groundwater resources and connected surface water resources. SGMA provides for the management of groundwater resources by local agencies subject to state oversight and, in the event that actions of local agencies are insufficient, state intervention by the State Water Resources Control Board (State Water Board).

Tule subbasin. Located in California’s Central Valley in the southern portion of the San Joaquin Valley, the Tule Subbasin covers approximately 475,895 acres, or about 744 square miles. The Department of Water Resources designates the subbasin as “high” priority and subject to conditions of critical overdraft. Communities within the subbasin include the City of Porterville, Allensworth, Alpaugh, Ducor, Earlimart, East Porterville, Pixley, Poplar-Cotton Center, Richgrove, Terra Bella, Teviston, Tipton, and Woodville. According to the 2022 Census data, the Tule Subbasin has an estimated population of 152,577 people. Most of the land within the subbasin and surrounding areas is used for growing crops and raising livestock. Groundwater in the subbasin is used for drinking water, agriculture, wildlife habitat, and oil and gas extraction.

GSAs for the Tule subbasin. As recently as 2023, there were seven GSAs responsible for managing groundwater in the subbasin: Pixley Irrigation District GSA, Tri-County Water Authority GSA, Alpaugh GSA, Delano-Earlimart Irrigation District GSA, Eastern Tule GSA, Tulare County GSA, and the Lower Tule River Irrigation District GSA. Today there are 12 GSAs managing portions of the Tule subbasin. The increase in GSAs is a result of the breakup of the Eastern Tule GSA, which this bill seeks to address.

Eastern Tule GSA. Formed in 2016, the Eastern Tule GSA is a joint powers authority that took on responsibility for managing groundwater in the eastern portion of the subbasin. This GSA initially had eight members: the County of Tulare, City of Porterville, Saucelito

Irrigation District, Teapot Dome Water District, Vandalia Water District, Terra Bella Irrigation District, Kern-Tulare Water District, and Porterville Irrigation District. For various reasons, all of the original members of the GSA, except Tulare County, have since split off to form new GSAs.

Probationary status for Tule subbasin. The State Water Board designated the Tule subbasin as a “probationary” basin in September 2024 due to significant deficiencies in several of the GSPs for the subbasin and the adverse impacts that land subsidence resulting from over-pumping of groundwater is having on the Friant-Kern canal. Due to this designation, the basin is subject to “state intervention” under which the State Water Board will work with GSAs to develop an interim plan that will get the subbasin back on track to achieve sustainable groundwater management. Delano-Earlimart Irrigation District GSA and Kern-Tulare Water District were partially excluded from the State Water Board’s probationary designation and pumpers within the jurisdiction of these agencies will not be subject to reporting requirements and fees imposed by the State Water Board. These two agencies will retain this status so long as they comply with specified management actions. Some of the agencies that have split off from the Eastern Tulare GSA appear to think that they may obtain a limited exemption from the State Water Board’s probationary designation as well.

Hope and Ducor water districts. Based on information available on the State Water Board’s website, Hope water district has seven connections and primarily serves an elementary school. Ducor is a community services district serving 176 connections in rural towns. Both districts are dependent on groundwater and located south of the city of Porterville in eastern Tulare County.

- 3) **Policy consideration.** Unlike other legislation that has established exclusive GSAs since the passage of SGMA, this bill does not have concretely defined boundaries. It leaves open the possibility that additional agencies may join the GSA. Fortunately, this bill expressly prohibits the Tulare Basin GSA from managing any area that is managed by another GSA unless there is a formal agreement between the two agencies to do so. The sponsor asserts this is left open because covering a larger area will lead to more effective groundwater management. While this is certainly true, should this bill move forward, the author may wish to more definitively define the boundaries of the Tulare Basin GSA to avoid creating any confusion.
- 4) **Arguments in support.** Tulare County is the sponsor of this bill and argues that, by establishing the Tulare Basin GSA, it will “allow the Tule Subbasin to work on satisfying the [State Water Board] and get the subbasin out of probationary status.” Tulare County states that as the last remaining member of the Eastern Tule GSA, it does not have the resources to run a GSA, but believes this bill represents a model that will work for the “white areas” (i.e., areas not within the jurisdiction of a water district) the county is responsible for.
- 5) **Related legislation.** SB 372 (Cannella), Chapter 357, Statutes of 2017, establishes the San Joaquin River Exchange Contractors Groundwater Sustainability Agency to manage a portion of the Delta-Mendota groundwater subbasin.

SB 37 (Vidak), Chapter 391, Statutes of 2016, establishes the Kings River East Groundwater Sustainability Agency to manage the south eastern portion of the Kings groundwater subbasin.

SB 564 (Cannella), Chapter 392, Statutes of 2016, establishes the North Fork Kings River Groundwater Sustainability Agency to manage the north-central portion of the Kings groundwater subbasin.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Tulare (sponsor)
Valley Ag Water Coalition

Opposition

None on file

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