Appendices

Appendix A
Obtaining Copies of Supplemental Material

Bulletin 118 Update 2003 includes this report and supplemental material consisting of individual basin descriptions and a GIS-compatible map of each of the delineated groundwater basins in California. The supplemental material will be updated as new information becomes available and can be viewed or downloaded at http://www.waterplan.water.ca.gov/groundwater/118index.htm

Appendix B
The Right to Use Groundwater in California

California does not have a statewide management program or statutory permitting system for groundwater. Some local agencies have adopted groundwater ordinances under their police powers, or have adopted groundwater management programs under a variety of statutory authorities.

Prior to a discussion of groundwater management, it is helpful to understand some of the laws governing the right to use groundwater in California. When the Water Commission Act of 1913 (Stats. 1913, Ch. 586) became effective in 1914, appropriative surface water rights became subject to a statutory permitting process. This appropriation procedure can be found in Water Code Section 1200 *et seq*. Groundwater classified as underflow of a surface stream, a "subterranean stream flowing through a known and definite channel," was made subject to the State permit system. However, most groundwater in California is presumed to be "percolating water," that is, water in underground basins and groundwater which has escaped from streams. This percolating water is not subject to a permitting process. As a result, most of the body of law governing groundwater use in California today has evolved through a series of court decisions beginning in the early 20th century. Key cases are listed in Table B-1, and some of the most significant are discussed below.

Table B-1 Significant court cases related to the right to use groundwater in California

Case	Issues addressed
Katz v. Walkinshaw, 141 Cal. 116 (1903)	Established Correlative Rights Doctrine. Correlative rights of overlying users, and surplus supply available for appropriation among non-overlying users.
Peabody v. City of Vallejo, 2 Cal. 2d 351 (1935)	Limited riparian rights under the reasonable and beneficial use requirement of the 1928 constitutional amendment; requirement of reasonable and beneficial use.
Pasadena v. Alhambra, 33 Cal. 2d 908 (1949)	First basin adjudication in California; established Doctrine of Mutual Prescription.
Niles Sand and Gravel Co. v. Alameda County Water District, 37 Cal. App. 3d 924 (1974)	Established right to store water underground as a servitude.
Techachapi-Cummings County Water District v. Armstrong, 49 Cal. App. 3d 992 (1975)	Modified the Mutual Prescription Doctrine articulated in Pasadena v. Alhambra. Overlying owners' water rights must be quantified on the basis of current, reasonable and beneficial need, not past use. By analogy to riparian rights, factors to be considered include: the amount of water available, the extent of ownership in the basin, and the nature of projected use.
Los Angeles v. San Fernando, 14 Cal. 3d 199 (1975)	Significantly modified Mutual Prescription Doctrine by disallowing it against public entities (Civil Code section 1007); established pueblo right above overlying owner right; established right to store imported water underground and recapture when needed above the right of overlying landowner.
Wright v. Goleta Water District, 174 Cal. App. 3d 74 (1985)	The unexercised water rights of overlying owners are protected from appropriators; notice and opportunity must be given to overlying owners to resist any interference with their rights.
Hi-Desert County Water District v. Blue Skies Country Club,	Retention of overlying right; no acquisition of prescriptive
23 Cal. App. 4th 1723 (1994)	right by overlying owner.
Baldwin v. Tehama County, 31 Cal. App. 4th 166 (1994)	City and County regulation of groundwater through police power. County limitations on export upheld.
City of Barstow v. Mojave Water Agency,	Held that in considering a stipulated physical solution
23 Cal. 4th 1224 (2000)	involving equitable apportionment, court must consider correlativerights of parties that did not join the stipulation.

This table modified from Bachman and others 1997

Katz v. Walkinshaw (141 Cal. 116)

In the 1903 decision, *Katz v. Walkinshaw*, the California Supreme Court rejected the English Common Law doctrine of groundwater rights and established the Doctrine of Correlative Rights. Prior to the *Katz* decision, California had followed the doctrine articulated in the 1843 English decision of *Acton v. Blundell* (12 M. & W. 324, 152 Eng. Rep. 1223), which established that landowners enjoyed absolute ownership of groundwater underneath their property. The 1903 decision rejected the English Common Law approach as unsuitable for the "natural conditions" in California, and instead established the Correlative Rights Doctrine analogous to a riparian right. Each overlying landowner was entitled to make reasonable beneficial use of groundwater with a priority equal to all other overlying users. Water in excess of the needs of the overlying owners could be pumped and used on nonoverlying lands on a first-in-time, first-in-right basis under what is known as an appropriative right. An appropriative groundwater right, unlike its surface water counterpart, is not subject to a permitting process. Where overlying owners made full use of available supplies, appropriative rights were extinguished. Where there was insufficient water to meet even the needs of the overlying owners, the court applied the Correlative Rights Doctrine to apportion the available groundwater among the overlying landowners. Figure B-1 depicts the rights to use groundwater established in *Katz v. Walkinshaw*.

City of Pasadena v. City of Alhambra (33 Cal. 2d 908)

The 1949 decision, *Pasadena v. Alhambra*, added significant complexity to the right to use groundwater in California. This decision, involving the adjudication of the Raymond Basin, established the doctrine of mutual prescription. Groundwater levels in the basin had been declining for many years by the time court action was initiated. Most substantial pumpers, both overlying and appropriators, were joined in the action. Previously, appropriators only had a right to water surplus to the needs of overlying users. However, based upon a stipulation by most of the parties, the court in *Pasadena* adopted a program of proportionate reductions. These appropriators had each effectively gained a prescriptive right, similar to that of surface water rights, in which they had taken the water in an open, notorious, and hostile manner for at least five years. Mutual prescription provided groundwater rights to both overlying users and appropriators in depleted groundwater basins by prorating their rights based on the highest continuous amount of pumping during the five years following commencement of the overdraft. All of the users in the Raymond Basin were thus entitled to extract their portion of the court-approved safe yield of the basin.

City of Los Angeles v. City of San Fernando (14 Cal. 3d 199)

In 1975, in *Los Angeles v. San Fernando*, the California Supreme Court significantly limited the Mutual Prescription Doctrine introduced in Pasadena v. Alhambra. This opinion had far-reaching impacts on both the right to use groundwater and the practice of conjunctive use of groundwater and surface water to manage a basin. The case began in 1955, when the City of Los Angeles sued the cities of San Fernando, Glendale, Burbank and other pumpers, asserting a prior right to the San Fernando Valley groundwater basins in the northern part of the City of Los Angeles. The court, relying on Civil Code Section 1007, held that public agencies and public utilities cannot lose their groundwater rights by prescription. This holding effectively ruled out any future "mutual prescription" settlements or judgments involving rights held by public entities.

With respect to the native water supply of the San Fernando Basin, the court found that the City of Los Angeles had prior rights to all of this supply pursuant to its "pueblo right." Pueblo rights are traceable to rights recognized by the Spanish crown and the Mexican government. Under the Spanish/Mexican system, water rights were held in trust by pueblos for the benefit of all of its inhabitants. Under the Treaty of Guadalupe Hidalgo executed by Mexico and the United States in 1848, the municipal successors to Spanish/Mexican pueblos retained their pueblo rights upon the cession of California. In the San Fernando decision, the court confirmed Los Angeles' pueblo right, finding it superior to the rights of all overlying landowners. While a pueblo right is rare, it is an example of the complexity of the rights to use groundwater in California.

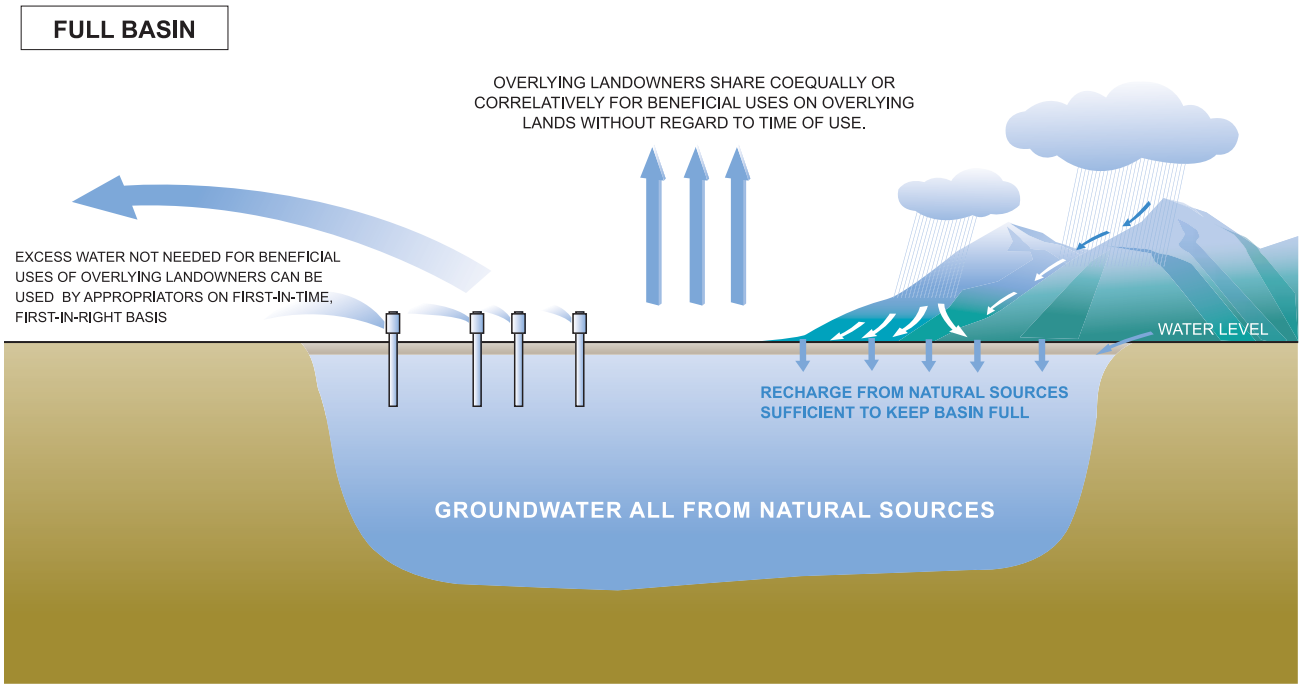

Figure B-1 Rights to groundwater use in full basin established in Katz v. Walkinshaw

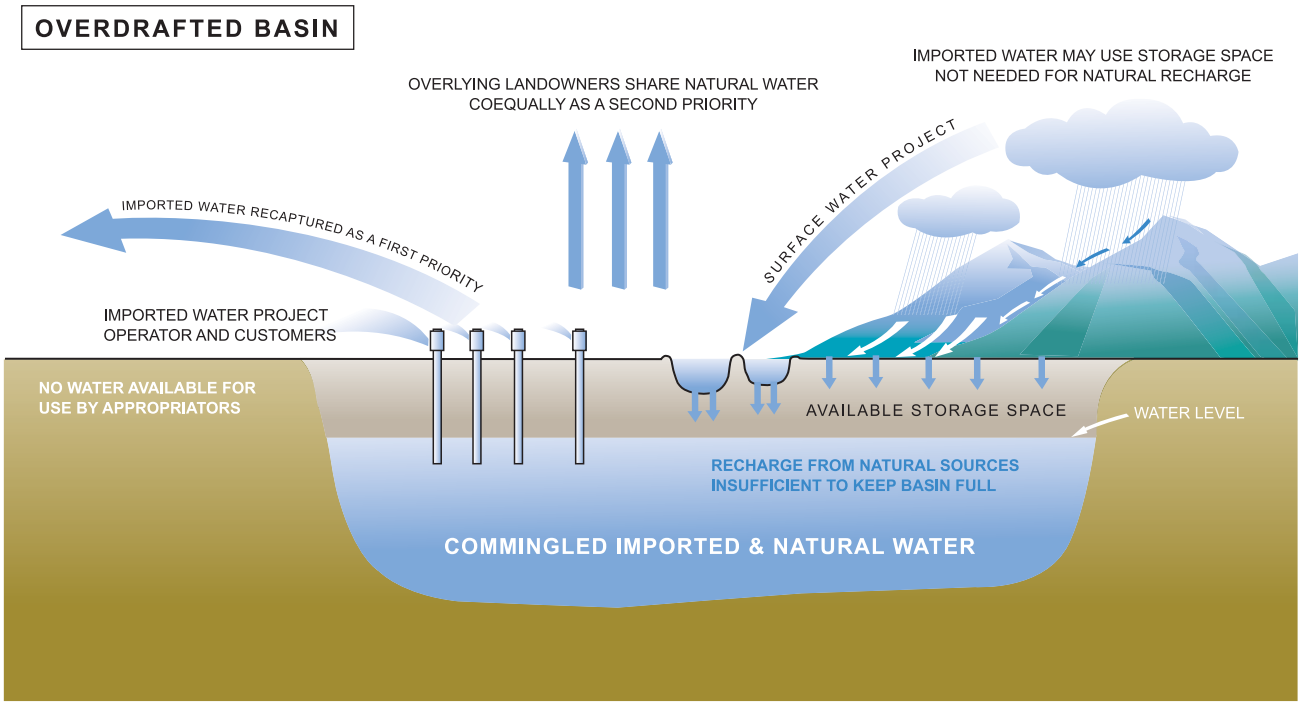

Figure B-2 Rights to groundwater use in overdrafted basin established in Los Angeles v. San Fernando

For the future of conjunctive use of groundwater basins, the court's holding with respect to the rights to available storage space in the Basin is significant. The court upheld the right of public agencies – namely the cities of San Fernando, Los Angeles, Burbank, and Glendale–to recapture the imported water they added to the Basin. The court held that the rights of the respective public agencies to recover such imported water are of equal priority to the City of Los Angeles' pueblo right, and that all such public agency rights are "prior to the rights dependent on ownership of overlying land or based solely upon appropriation of groundwater from the basin." The court remanded the case, directing the trial court to apportion the safe yield of the Basin accordingly.

The court noted that there did not appear to be any shortage of underground storage space in relation to the demand and, hence, the court did not find it necessary to determine priorities as to the future use of such space. The Judgment issued by the trial court on remand, however, provided: "To the extent of any future spreading or in lieu storage of import water or reclaimed water by Los Angeles, Glendale, Burbank or San Fernando, the party causing said water to be so stored shall have a right to extract an equivalent amount of ground water from the San Fernando Basin." Pursuant to the Judgment, a court-appointed Watermaster now manages the groundwater extraction and storage rights within the ULARA. Figure B-2 depicts the rights to use groundwater established in Los Angeles v. San Fernando in an overdrafted basin where water has been stored.

City of Barstow v. Mojave Water Agency (23 Cal. 4th 1224)

In 2000, the California Supreme Court partially overturned the 1995 adjudication of the Mojave River Basin. The trial court had approved a negotiated settlement (or stipulated agreement) that failed to include a well-by-well determination of water rights. The trial court held the negotiated settlement to be binding on all users in the basin, including some pumpers who had not agreed to the settlement. The lower court decision was based on the doctrine of "equitable apportionment," in which the available water is shared based on concepts of equity and fairness. The Court of Appeal had partially reversed the lower court, and held that the trial court did not have the authority to ignore California's traditional water rights doctrine giving overlying users a priority right to beneficial and reasonable use of the groundwater. The Court of Appeal affirmed the trial court's negotiated settlement except as it applied to two of the parties. First, the Court of Appeal reversed the holding against a non-negotiating party since the trial court had ignored that party's existing overlying water rights. Secondly, the Court of Appeal reversed the trial court's judgment as it applied to a company, where the negotiated agreement did not give the company a water-allowance equal to its actual water use. The Supreme Court affirmed the Court of Appeal decision, but reversed the judgment applying to the company's water-allowance. The Supreme Court also affirmed that the trial court could not apply the doctrine of equitable apportionment when overlying water users had already established a prior water right. The Court stated that, while the trial court could impose a physical solution (such as the negotiated settlement), the court could not simply ignore affected owners' legal water rights. Equitable apportionment, thus, remains a tool for adjudicating basin groundwater rights, but only if all parties stipulate to its use.

Appendix C
Required and Recommended Components of Local Groundwater Management Plans

Section 10750 et seq. of the Water Code, commonly referred to as Assembly Bill 3030, stipulates certain procedures that must be followed in adopting a groundwater management plan under this section.

Amendments to Section 10750 et seq. added the requirement that new groundwater management plans prepared under Section 10750 et seq. must include component 1 below (SB1938 (Stats 2002, Ch 603)).

In addition, the amendments mandate that if the agency preparing the groundwater management plan intends to apply for funding administered by the California Department of Water Resources (DWR) for groundwater or groundwater quality projects, the agency must prepare and implement a groundwater management plan that includes components 2, 3, 6, 7 and 9 below. DWR recommends that all the components below be included in any groundwater management plan to be adopted and implemented by a local managing entity.

Consideration and development of these components for the specific conditions of the basin to be managed under the plan will help to ensure effective groundwater management. In developing these criteria, DWR recognizes that the goal of a groundwater management plan and the goal of an ordinance to manage groundwater should be the same—assurance of a long-term, sustainable, reliable, good quality groundwater supply. Such efforts can benefit greatly from cooperative management within the basin or region.

None of the suggested data reporting in the components below should be construed as recommending disclosure of information that is confidential under State law.

1. Include documentation that a written statement was provided to the public "describing the manner in which interested parties may participate in developing the groundwater management plan," which may include appointing a technical advisory committee (Water Code § 10753.4 (b)).
2. Include a plan by the managing entity to "involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin." (Water Code § 10753.7 (a)(2)). A local agency includes "any local public agency that provides water service to all or a portion of its service area"
(Water Code § 10752 (g)).
3. Provide a map showing the area of the groundwater basin, as defined by DWR Bulletin 118, with the area of the local agency subject to the plan as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan (Water Code § 10753.7 (a)(3)).
4. Establish an advisory committee of stakeholders (interested parties) within the plan area that will help guide the development and implementation of the plan and provide a forum for resolution of controversial issues.
5. Describe the area to be managed under the plan, including:
    a. The physical structure and characteristics of the aquifer system underlying the plan area in the context of the overall basin.

b. A summary of the availability of historical data including, but not limited to, the components in Section 7 below.

c. Issues of concern including, but not limited to, issues related to the components in Section 7 below.

d. A general discussion of historical and projected water demands and supplies.

6. Establish management objectives (MOs) for the groundwater basin that is subject to the plan. (Water Code § 10753.7 (a)(1)).

7. Include components relating to the monitoring and management of groundwater levels, groundwater quality, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping. (Water Code § 10753.7 (a)(1)). Consider additional components listed in Water Code § 10753.8 (a) through (l).

8. For each MO, describe how meeting the MO will contribute to a more reliable supply for long-term beneficial uses of groundwater in the plan area, and describe existing or planned management actions to achieve MOs.

9. Adopt monitoring protocols for the components in Section 7 (Water Code § 10753.7 (a)(4)). Monitoring protocols are not defined in the Water Code, but the section is interpreted to mean developing a monitoring program capable of tracking changes in conditions for the purpose of meeting MOs.

10. Describe the monitoring program, including:

a. A map indicating the general locations of any applicable monitoring sites for groundwater levels, groundwater quality, subsidence stations, or stream gages.

b. A summary of monitoring sites indicating the type (groundwater level, groundwater quality, subsidence, stream gage) and frequency of monitoring. For groundwater level and groundwater quality wells, indicate the depth interval(s) or aquifer zone monitored and the type of well (public, irrigation, domestic, industrial, monitoring).

11. Describe any current or planned actions by the local managing entity to coordinate with other land use, zoning, or water management planning agencies or activities (Water Code § 10753.8 (k), (l)).

12. Provide for periodic report(s) summarizing groundwater basin conditions and groundwater management activities. The report(s), prepared annually or at other frequencies as determined by the local management agency, should include:

a. Summary of monitoring results, including a discussion of historical trends.

b. Summary of management actions during the period covered by the report.

c. A discussion, supported by monitoring results, of whether management actions are achieving progress in meeting MOs.

d. Summary of proposed management actions for the future.

e. Summary of any plan component changes, including addition or modification of MOs, during the period covered by the report.

f. Summary of actions taken to coordinate with other water management and land use agencies, and other government agencies.

13. Provide for the periodic re-evaluation of the entire plan by the managing entity.

14. For local agencies not overlying groundwater basins, plans should be prepared including the above listed components and using geologic and hydrologic principles appropriate to those areas (Water Code § 10753.7 (a)(5)).

Appendix D
Groundwater Management Model Ordinance

In developing this model ordinance, the California Department of Water Resources recognizes that the goal of a groundwater management plan and the goal of an ordinance to manage groundwater should be the same—assurance of a long-term, sustainable, reliable, good quality groundwater supply. Such efforts require cooperative management within the region or sub-region.

Chapter X

Groundwater Management Ordinance

Sections:

X.01 Declaration of Findings - The Board finds that:

A. The protection of the groundwater resource for its use within the County is of major concern to the residents of the County for the protection of their health, welfare, and safety.
B. The reliability and sustainability of the groundwater supply for all beneficial uses are of critical importance to the economic, social, and environmental well-being of the County.
C. A lack of effective groundwater management may have significant negative impacts, including, but not limited to:
    1. Lower groundwater levels leading to additional expenses from:
        a) Increased energy consumption.
        b) The need to deepen existing wells.
        c) The need to build new wells.
        d) The need to destroy non-functioning wells.
    2. Costly damage to public roads, bridges, canals, and other structures caused by land subsidence.
    3. Reduction of surface and subsurface flows leading to the potential loss of critical riparian and wetland habitat.
    4. Degradation of groundwater quality.

D. It is essential for management purposes to adopt a monitoring program addressing groundwater levels, groundwater quality, land subsidence, and surface water flow and quality where it directly impacts or is impacted by groundwater.

X.02 Purpose - In support of the findings above, the County has determined that this groundwater management ordinance is necessary to ensure that:

A. Groundwater continues to be a reliable and sustainable resource.
B. The extraction of groundwater does not result in significant adverse economic, environmental, or social impacts.
C. Groundwater quality is protected.
D. Excessive land surface subsidence from groundwater extraction is prevented.

X.03 Declaration of Intent

A. The County intends to foster prudent groundwater management practices by establishing a policy that encourages appropriate management of the resource based on recommendations by a committee of stakeholders.
B. The County intends that its groundwater management activities occur as an open and public process that considers input from all stakeholders in the County.
C. The County intends to work cooperatively with interested local agencies to further develop and implement joint groundwater management activities.
D. The County does not intend to regulate, in any manner, the use of groundwater, except as a last resort to protect the groundwater resource.
E. The County intends to act as an enforcing agency should the local resource become threatened.
F. The County does not intend to infringe upon the rights of surface water users in the managed area.
G. The County does not intend to limit other authorized means of managing groundwater within the County.

X.04 Definitions

A. "Aquifer" means a geologic formation that stores groundwater and transmits and yields significant quantities of water to wells and springs. Significant quantity is an amount that that satisfies local needs and may range from thousands of gallons per minute to less than 5 gpm, depending on rock type and intended use.
B. "Board" means the Board of Supervisors of the County.
C. "District" means a district or municipality, located wholly or partially within the boundaries of the County, that is a purveyor of water for agricultural, domestic, or municipal use.
D. "Enforcement Agency" means the Board as the enforcement agency under this chapter.
E. "Groundwater" means all water beneath the surface of the earth below the zone of saturation, but does not include subterranean streams flowing in known and definite channels.
F. "Groundwater Basin" means an aquifer or series of aquifers with a reasonably defined lateral and vertical extent, as defined in Bulletin 118 by Department of Water Resources. "Non-basin areas" are outside defined groundwater basins and contain smaller amounts of groundwater in consolidated sediments or fractured hard rock.
G. "Groundwater Export" means the conveyance of groundwater outside of the boundaries of the County and outside of the boundaries of any district that is partially within the County.
H. "Groundwater Substitution" means the voluntary use of an available groundwater supply instead of surface water for the purposes of using the surface water outside the County and outside the boundaries of any district that is partially within the County.

I. "Land Subsidence" means the lowering of the ground surface caused by the inelastic consolidation of clay beds in the aquifer system.
J. "Management Objective"(MO) means a condition identified for each subunit to ensure that the groundwater supply is reliable and sustainable. The MOs set acceptable conditions with respect to groundwater levels, groundwater quality, inelastic land surface subsidence, and surface water flows and quality. Compliance with the MO is tracked by a monitoring program and threshold values that are adopted for each Management Objective.
K. "Recharge" means flow to groundwater storage from precipitation, and infiltration from streams, irrigation, spreading basins, injection wells, and other sources of water.
L. "Reliability" means having an available, predictable, and usable groundwater supply at any given point in time.
M. "Stakeholder" means an individual or an entity, such as a water supplier or a county resident, with a permanent interest in the availability of the groundwater resource.
N. "Subunit" means any subdivision of a groundwater basin or non-basin area in the County created for the purposes of representation of stakeholders and the establishment of local area management objectives.
O. "Sustainable" means the groundwater resource is maintained for use by residents in the basin over a prolonged period of time.
P. "Technical Advisory Committee" means a committee of persons knowledgeable in groundwater management, hydrology, and hydrogeology established for the purpose of providing technical guidance to the Water Advisory Committee.
Q. "Threshold values" mean the limits established by the WAC for groundwater levels, groundwater quality, land surface subsidence, and surface water flow and quality that are not to be exceeded if the MOs are to be met.
R. "Water Advisory Committee" (WAC) means a multimember advisory body established for the purpose of aiding the Board in providing effective management of the groundwater resources in the County, and representing all of the subunits that are identified.
S. "Water Management Entities" means any local agency, or group of agencies, authorized to manage groundwater.

X.05 Groundwater Management Program

A. The County recognizes that effective groundwater management is key to maintaining a reliable and sustainable resource. For the purposes of establishing an effective groundwater management program, the Board shall appoint a WAC to establish MOs and make recommendations to the Board to ensure that MOs are met.
B. For purposes of establishing a WAC, the groundwater basins and non-basin areas of the County will be divided into subunits based on hydrogeologic principles and institutional boundaries. These subunits shall be established by the Board based on public input to address the groundwater management needs of the County. The WAC shall consist of members that represent each subunit. Upon establishment of the subunits, the Board shall appoint a member to represent each subunit on the WAC.
C. The WAC shall have the following responsibilities to the Board:
    1. Recommend MOs for each groundwater management subunit.
    2. Recommend a groundwater monitoring network for purposes of tracking MOs.
    3. Recommend the frequency of monitoring.
    4. Propose changes in monitoring.
    5. Ensure monitoring data receive technical review.
    6. Ensure that monitoring data are made available to the public.

7. Recommend actions to resolve noncompliance with MOs.

D. For the purposes of providing technical advice to the WAC in carrying out its responsibilities, a technical advisory committee (TAC) shall be established. The TAC shall consist of local experts or a combination of local expertise and technical consultants from private and public organizations that are nominated by the WAC and approved by the Board. Individuals appointed to the TAC should be highly knowledgeable in groundwater management, hydrology, and hydrogeology. The TAC shall review technical data collected by monitoring programs within the County and advise the WAC.

X.06 Management Objectives

A. To ensure that the County maintains a reliable and sustainable groundwater supply, MOs for groundwater levels, groundwater quality, land subsidence, and surface water flow and quality shall be adopted for each subunit. Threshold values that are not to be exceeded shall be defined for each MO.

B. Compliance with the MOs will be determined by evaluation of data collected from groundwater level, groundwater quality, land subsidence, and surface water flow and quality monitoring networks. Evaluation of these data with respect to threshold values shall be the basis for determining compliance with the MOs.

C. Each WAC member shall recommend MOs for their subunit. The WAC shall develop a comprehensive set of recommendations for all subunits, and the Board shall adopt these MOs for the County. MOs may differ from subunit to subunit, but the established MOs shall be consistent with the overall goal of supply reliability for the County.

D. Groundwater management practices based on the established MOs for one subunit of the County shall not adversely impact adjacent subunits.

X.07 Monitoring Program Network

The WAC shall develop County-wide monitoring programs to collect representative data on groundwater levels, groundwater and surface water quality, land surface subsidence, and stream flow and quality. Each subunit shall propose its own monitoring program, and the WAC shall adopt a comprehensive monitoring program for the County. The data collected, showing current conditions and changes over time as a result of groundwater extraction, shall be evaluated by the WAC in consultation with the TAC. The WAC will recommend policies and actions to ensure that MOs for each subunit are met. The collection and evaluation of the data shall be based on scientifically sound principles, and shall incorporate appropriate quality assurance and quality control protocols.

A. Groundwater levels: The groundwater level monitoring network shall be proposed by the WAC and approved by the Board. The intent of the groundwater level monitoring network is to measure water levels in selected wells that can adequately determine representative conditions in the aquifer system for determination of compliance with the MOs. The network will include selected municipal, domestic, and irrigation wells owned by water districts, private parties, and municipal and industrial water suppliers. Where needed, dedicated monitoring wells may be installed. Participation by well owners will be voluntary.

B. Water Quality: The groundwater quality monitoring network shall be proposed by the WAC and approved by the Board. The intent of the groundwater quality monitoring network is to monitor selected wells that can adequately determine representative groundwater quality conditions in the aquifer system for identification of compliance with the MOs. The network will include selected municipal, domestic, and irrigation wells owned by water districts, private parties, and municipal

and industrial water suppliers. Where needed, dedicated monitoring wells may be installed. Participation by well owners will be voluntary.

C. Land Subsidence: The land subsidence program and network shall be proposed by the WAC and approved by the Board. The intent of the land subsidence monitoring is to detect land subsidence for determination of compliance with the MOs. The network may include benchmarks that are surveyed for changes in elevation throughout the County, based on the judgment of the WAC of the need for such a program.

D. Surface Water Flow and Quality: The surface water flow and quality network shall be proposed by the WAC and approved by the Board. The intent of this network is to detect changes in surface water flow or surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping for evaluation of compliance with MOs.

X.08 Monitoring Frequency

The recommended frequency of collection of data for each of the parameters listed above shall be determined by the WAC. Initially, each parameter should be measured at the frequencies outlined below, unless the WAC notes upon evaluation of existing data that more frequent monitoring or additional analyses are called for.

A. Groundwater levels should be measured at least three times during the year: one measurement prior to the period of highest groundwater use, one measurement during peak groundwater use, and one measurement following the period of highest groundwater use (approximately the months of _____, _____, and _____).

B. Groundwater quality measurements of electrical conductivity, temperature, and pH should be obtained at least twice annually during the periods of highest and lowest groundwater use (approximately the months of _____ and _____). Upon evaluation of the data, the WAC may propose analyses for other constituents.

C. Selected benchmarks in the County land subsidence monitoring network should be surveyed every five years at a minimum. These surveys should be conducted following aquifer recovery and prior to the period of highest groundwater extraction (approximately the month of_____).

D. Measurement of surface water flow and quality in areas determined to directly affect groundwater levels or quality or that are affected by groundwater pumping shall be obtained at least ___ times per month as long as there are flows in the channel.

X.09 Changes in Monitoring

If evaluation of the groundwater level, groundwater quality, land subsidence, surface water flow, or surface water quality data indicates a need for more or less frequent measurements or analyses, the WAC may propose a change in the monitoring frequency. Similarly, if evaluation of the data indicates that additional monitoring sites are necessary, the WAC may propose an additional or a reduced number of sites for data collection. The Board shall adopt these changes when supported by credible evidence.

X.10 Review of Technical Data

A. The TAC shall propose and the WAC shall adopt standard methods using scientifically sound principles for review and analysis of the collected data. The TAC will meet, as needed and requested by the WAC, to evaluate the technical data and shall report their findings at appropriate meetings of the WAC. The WAC shall meet at least __ times per month during the period of maximum groundwater use (months of _____ through _____) and quarterly during the off season (months of _____ through _____), or as necessary.

B. During the period of highest groundwater use, the WAC meetings will focus on data review and analysis with respect to compliance with the current MOs. During the period of low

groundwater use, the WAC meetings will focus on a review of compliance with MOs for the previous period of high groundwater use and consideration of the need for changes to the MOs.

X.11 Data Dissemination

The WAC, in addition to establishing methods for data collection and evaluation, shall establish methods for data storage and dissemination. The WAC shall disseminate the monitoring data and evaluation reports through public presentations and through a County-maintained groundwater Internet site. At a minimum, the WAC shall publicly present findings from the monitoring program to the Board twice annually.

X.12 Actions when MO Noncompliance is Reported

A. Action by Technical Advisory Committee. In the event that the TAC identifies an area that is not in compliance with the MOs, or if noncompliance is reported by any other means, the TAC shall report to the WAC on the regional extent and magnitude of the noncompliance. This information shall also be released to the public no later than ___ days from the time that noncompliance with MOs was identified. The TAC shall then collect all available pertinent hydrologic data, investigate possible causes for noncompliance with MOs, and recommend actions to the WAC to bring the area into compliance. These recommendations shall be made no later than ___ days after the report of noncompliance is released to the public. The TAC shall first make recommendations that focus on correcting the noncompliance through negotiations with all parties in the affected area.

B. Action by Water Advisory Committee. The WAC shall act as lead negotiator in re-establishing compliance with the MO. If negotiations with parties in the affected area do not result in timely and positive action to re-establish compliance with MOs for the basin, the WAC may recommend a plan to the Board to modify, reduce or terminate groundwater extraction in the affected area or take other necessary actions. Such a plan will be recommended to the Board only after the WAC has thoroughly reviewed the recommendations of the TAC at a public meeting. The modification, reduction, or termination of groundwater extraction in the affected area shall first be applied to wells involved in any export or substitution programs, and then to other wells if necessary. Domestic wells shall not be considered for any modification, reductions, or termination of groundwater extraction.

C. Action by Board of Supervisors. The Board of Supervisors, using its police powers, shall act as the enforcement agency for this ordinance. Any recommendation of the WAC may be appealed to the Board within __ working days.

X.13 Regional Coordination

Management decisions recommended by the WAC and adopted by the Board shall not deleteriously affect groundwater resources in any portions of groundwater basins or non-basin areas that share a common groundwater resource in adjacent counties. To accomplish this goal, the WAC shall meet and coordinate with water management entities outside the County that overlie a common groundwater basin at least twice per year once prior to the period of highest groundwater use and once following the period of highest groundwater use.

X.14 Integrated Resource Management

A. To ensure integration of planning activities within the County, the WAC shall inform County departments involved with groundwater related activities, including but not limited to Land Use or Zoning, Planning, Public Works, Utilities, and Environmental Health, of all WAC meetings and actions regarding MOs. In turn, these County departments shall take into consideration the

adopted MOs when approving development or zoning changes or construction projects that may rely on or affect groundwater quantity or quality.

B. To the greatest extent practicable, the WAC should also integrate resource management planning with other agencies within the basin. Resource activities that could benefit from integrated planning with groundwater management include, but are not limited to:
   - Groundwater management planning by other agencies—agricultural, municipal, industrial, local government
   - Watershed management plans
   - Urban water management plans
   - Management and disposal of municipal solid waste and municipal sewage
   - Drinking water source assessment and protection programs
   - Public water system emergency and disaster response plans
   - Surface water and groundwater conjunctive management programs
   - Expansion of surface and groundwater facilities
   - Water efficiency programs
   - Water recycling programs
   - Environmental habitat construction or restoration programs
   - Water quality protection programs
   - Recharge programs
   - Transportation infrastructure planning

X.15 Data Relating to Export and Substitution of Groundwater

A. Districts, persons, or contractors intending to operate a groundwater export or groundwater substitution program shall submit the following data to the WAC __ working days prior to commencing the program:
   1. A description of the project with the total amount of groundwater to be exchanged or substituted
   2. The dates over which the project will take place.
   3. A statement of the anticipated impacts of the project relative to adopted MOs.
   4. A discussion of possible contingencies in the event of MO noncompliance.
   5. A map showing the location of the wells to be used by the program.
   6. A summary of any monitoring program proposed.
   7. All required environmental documentation.

B. While the program is in operation, the following information shall be provided to the WAC at least ___ times per month:
   1. All static and pumping groundwater level measurements made in the pumping well during the period of extraction for the export or substitution program.
   2. The amount of groundwater extracted from each well per week.
   3. Static groundwater level measurements in at least __ of the most proximal wells to the project pumping wells that can be practicably monitored.

   C. All costs for providing such information to the WAC shall be borne by the project participants.

Note: Although the terms “County” and “Board” are used throughout the model ordinance for clarity, the model could be used by any local government or agency with appropriate authority or powers.

Appendix E
SWRCB Beneficial Use Designations[1]

Agricultural Supply (AGR) – Uses of water for farming, horticulture, or ranching including, but not limited to irrigation, stock watering, or support of vegetation for ranch grazing.

Aquaculture (AQUA) – Uses of water for aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.

Cold Freshwater Habitat (COLD) – Uses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic saline habitats, vegetation, fish, or wildlife, including invertebrates.

Estuarine Habitat (EST) – Uses of water that support estuarine ecosystems including, but not limited to, preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (e.g., estuarine mammals, waterfowl, shorebirds).

Freshwater Replenishment (FRSH) – Uses of water for natural or artificial maintenance of surface water quantity or quality (e.g., salinity).

Groundwater Recharge (GWR) – Uses of water for natural or artificial recharge of groundwater for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers.

Hydropower Generation (POW) – Uses of water for hydropower generation.

Industrial Process Supply (PRO) – Uses of water for industrial activities that depend primarily on water quality.

Industrial Service Supply (IND) – Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.

Inland Saline Water Habitat (SAL) – Uses of water that support inland saline water ecosystems including, but not limited to, preservation or enhancement of aquatic saline habitats, vegetation, fish, or wildlife, including invertebrates.

Marine Habitat (MAR) – Uses of water that support marine ecosystems including, but not limited to, preservation or enhancement of marine habitats, vegetation such as kelp, fish, shellfish, or wildlife (e.g., marine mammals, shorebirds).

Migration of Aquatic Organisms (MIGR) – Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.

Municipal and Domestic Supply (MUN) – Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.

Navigation (NAV) – Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

Noncontact Water Recreation (REC-2) – Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

Ocean Commercial and Sport Fishing (COMM) – Uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.

[1] From SWRCB 2000

Preservation of Biological Habitats of Special Significance (BIOL) – Uses of water that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS), where the preservation or enhancement of natural resources requires special protection.

Rare, Threatened, or Endangered Species (RARE) – Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance or plant or animal species established under State or federal law as rare, threatened or endangered.

Shellfish Harvesting (SHELL) – Uses of water that support habitats suitable for the collection of filter-feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sports purposes.

Spawning, Reproduction, and/or Early Development (SPWM) – Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.

Warm Freshwater Habitat (WARM) – Uses of water that support warmwater ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

Water Contact Recreation (REC-1) – Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

Wildlife Habitat (WILD) – Uses of water that support terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.

Appendix F
Federal and State MCLs and Regulation Dates for Drinking Water Contaminants

	U.S. Environmental Protection Agency		California Department of Health Services	
Contaminant	**MCL (mg/L)**	**Date[a]**	**MCL (mg/L)**	**Effective date**
Inorganics				
Aluminum	0.05 to 2[b]	1/91	1 0.2[b]	2/25/89 9/8/94
Antimony	0.006	7/92	0.006	9/8/94
Arsenic	0.05 0.01	eff: 6/24/77 2001	0.05	77
Asbestos	7 MFL[c]	1/91	7 MFL[c]	9/8/94
Barium	1 2	eff: 6/24/77 1/91	1	77
Beryllium	0.004	7/92	0.004	9/8/94
Cadmium	0.010 0.005	eff: 6/24/77 1/91	0.010 0.005	77 9/8/94
Chromium	0.05 0.1	eff: 6/24/77 1/91	0.05	77
Copper	1.3[d]	6/91	1[b] 1.3[d]	77 12/11/95
Cyanide	0.2	7/92	0.2 0.15	9/8/94 6/12/03
Fluoride	4 2[b]	4/86 4/86	2	4/98
Lead	0.05[e] 0.015[d]	eff: 6/24/77 6/91	0.05[e] 0.015[d]	771 2/11/95
Mercury	0.002	eff: 6/24/77	0.002	77
Nickel	Remanded	0.1	9/8/94	
Nitrate	(as N)10	eff: 6/24/77	(as N03) 45	77
Nitrite (as N)	1	1/91	1	9/8/94
Total Nitrate/Nitrite (as N)	10	1/91	10	9/8/94
Selenium	0.01 0.05	eff: 6/24/77 1/91	0.01 0.05	77 9/8/94
Thallium	0.002	7/92	0.002	9/8/94
Radionuclides				
Uranium	30 g/L	12/7/00	20 pCi/L	1/1/89
Combined radium-226 & 228	5 pCi/L	eff: 6/24/77	5 pCi/L	77
Gross Alpha particle activity	15 pCi/L	eff: 6/24/77	15 pCi/L	77
Gross Beta particle activity	dose of 4 millirem/yr	eff: 6/24/77	50 pCi/L[f]	77

Contaminant	U.S. Environmental Protection Agency MCL (mg/L)	U.S. Environmental Protection Agency Date[a]	California Department of Health Services MCL (mg/L)	California Department of Health Services Effective date
Strontium-90	8 pCi/L	eff: 6/24/77 now covered by Gross Beta	8 pCi/L[f]	77
Tritium	20,000 pCi/L	eff: 6/24/77 now covered by Gross Beta	20,000 pCi/L[f]	77
VOCs				
Benzene	0.005	6/87	0.001	2/25/89
Carbon Tetrachloride	0.005	6/87	0.0005	4/4/89
1,2-Dichlorobenzene	0.6	1/91	0.6	9/8/94
1,4-Dichlorobenzene	0.075	6/87	0.005	4/4/89
1,1-Dichloroethane	- -	- -	0.005	6/24/90
1,2-Dichloroethane	0.005	6/87	0.0005	4/4/89
1,1-Dichloroethylene	0.007	6/87	0.006	2/25/89
cis-1,2-Dichloroethylene	0.07	1/91	0.006	9/8/94
trans-1,2-Dichloroethylene	0.1	1/91	0.01	9/8/94
Dichloromethane	0.005	7/92	0.005	9/8/94
1,3-Dichloropropene	- -	- -	0.0005	2/25/89
1,2-Dichloropropane	0.005	1/91	0.005	6/24/90
Ethylbenzene	0.7	1/91	0.68 0.7 0.3	2/25/89 9/8/94 6/12/03
Methyl-tert-butyl ether (MTBE)	- -	- -	0.005[b] 0.013	1/7/99 5/17/00
Monochlorobenzene	0.1	1/91	0.03 0.07	2/25/89 9/8/94
Styrene	0.1	1/91	0.1	9/8/94
1,1,2,2-Tetrachloroethane	- -	- -	0.001	2/25/89
Tetrachloroethylene	0.005	1/91	0.005	5/89
Toluene	1	1/91	0.15	9/8/94
1,2,4 Trichorobenzene	0.07	7/92	0.07	9/8/94
1,1,1-Trichloroethane	0.200	6/87	0.200	2/25/89
1,1,2-Trichloroethane	0.005	7/92	0.032 0.005	4/4/89 9/8/94
Trichloroethylene	0.005	6/87	0.005	2/25/89
Trichlorofluoromethane	- -	- -	0.15	6/24/90
1,1,2-Trichloro-1,2,2- Trifluoroethane	- -	- -	1.2	6/24/90
Vinyl chloride	0.002	6/87	0.0005	4/4/89
Xylenes	10	1/91	1.750	2/25/89

Contaminant	U.S. Environmental Protection Agency MCL (mg/L)	Date[a]	California Department of Health Services MCL (mg/L)	Effective date
SVOC's				
Alachlor	0.002	1/91	0.002	9/8/94
Atrazine	0.003	1/91	0.003 0.001	4/5/89 6/12/03
Bentazon	- -	- -	0.018	4/4/89
Benzo(a) Pyrene	0.0002	7/92	0.0002	9/8/94
Carbofuran	0.04	1/91	0.018	6/24/90
Chlordane	0.002	1/91	0.0001	6/24/90
Dalapon	0.2	7/92	0.2	9/8/94
Dibromochloropropane	0.0002	1/91	0.0001 0.0002	7/26/89 5/3/91
Di(2-ethylhexyl)adipate	0.4	7/92	0.4	9/8/94
Di(2-ethylhexyl)phthalate	0.006	7/92	0.004	6/24/90
2,4-D	0.10.07	eff: 6/24/77 1/91	0.1 0.07	77 9/8/94
Dinoseb	0.007	7/92	0.007	9/8/94
Diquat	0.02	7/92	0.02	9/8/94
Endothall	0.1	7/92	0.1	9/8/94
Endrin	0.0002 0.002	eff: 6/24/77 7/92	0.0002 0.002	77 9/8/94
Ethylene Dibromide	0.00005	1/91	0.00002 0.00005	2/25/89 9/8/94
Glyphosate	0.7	7/92	0.7	6/24/90
Heptachlor	0.0004	1/91	0.00001	6/24/90
Heptachlor Epoxide	0.0002	1/91	0.00001	6/24/90
Hexachlorobenzene	0.001	7/92	0.001	9/8/94
Hexachlorocyclopentadiene	0.05	7/92	0.05	9/8/94
Lindane	0.004 0.0002	eff: 6/24/77 1/91	0.004 0.0002	77 9/8/94
Methoxychlor	0.1 0.04	eff: 6/24/77 1/91	0.1 0.04 0.03	77 9/8/94 6/12/03
Molinate	- -	- -	0.02	4/4/89
Oxamyl	0.2	7/92	0.2 0.05	9/8/94 6/12/03
Pentachlorophenol	0.001	1/91	0.001	9/8/94
Picloram	0.5	7/92	0.5	9/8/94
Polychlorinated Biphenyls	0.0005	1/91	0.0005	9/8/94
Simazine	0.004	7/92	0.010 0.004	4/4/89 9/8/94

Contaminant	U.S. Environmental Protection Agency MCL (mg/L)	Date[a]	California Department of Health Services MCL (mg/L)	Effective date
Thiobencarb	- -	- -	0.07 0.001[b]	4/4/89 4/4/89
Toxaphene	0.005 0.003	eff: 6/24/77 1/91	0.005 0.003	77 9/8/94
2,3,7,8-TCDD (Dioxin)	$3x10^{-8}$	7/92	$3x10^{-8}$	9/8/94
2,4,5-TP (Silvex)	0.01 0.05	eff: 6/24/77 1/91	0.01 0.05	77 9/8/94
Disinfection Byproducts				
Total trihalomethanes	0.10 0.080	11/29/79 eff: 11/29/83 eff: 1/1/02[g]	0.10	3/14/83
Total haloacetic acids	0.060	eff: 1/1/02[g]		
Bromate	0.010	eff: 1/1/02[g]		
Chlorite	1.0	eff: 1/1/02[g]		
Treatment Technique				
Acrylamide	TT[h]	1/91	TT[h]	9/8/94
Epichlorohydrin	TT[h]	1/91	TT[h]	9/8/94

Source: http://www.dhs.ca.gov/ps/ddwem/chemicals/MCL/EPAandDHS.pdf

a. "eff." indicates the date the MCL took effect; any other date provided indicates when EPA established (that is, published) the MCL.

b. Secondary MCL.

c. MFL = million fibers per liter, with fiber length > 10 microns.

d. Regulatory Action Level; if system exceeds, it must take certain actions such as additional monitoring, corrosion control studies and treatment, and for lead, a public education program; replaces MCL.

e. The MCL for lead was rescinded with the adoption of the regulatory action level described in footnote d.

f. MCLs are intended to ensure that exposure above 4 millirem/yr does not occur.

g. Effective for surface water systems serving more than 10,000 people; effective for all others 1/1/04.

h. TT = treatment technique, because an MCL is not feasible.

Federal and State MCLs – updated 05/23/03

Appendix G
Development of Current Groundwater Basin/Subbasin Map

This Bulletin 118 update represents the first time that groundwater basin boundaries have been released as a digital coverage. The basin boundaries for the revised groundwater basin map were primarily defined using geologic contacts and hydrogeologic barriers. Specifically the identification of the groundwater basins was initially based on the presence and areal extent of unconsolidated alluvial sediments identified on 1:250,000 scale, geologic maps published by the California Department of Conservation, Division of Mines and Geology. The identified groundwater basin areas were then further evaluated through review of relevant geologic and hydrogeologic reports and well completion reports, and using the basin definition criteria listed in Table 8. Basin boundaries that are specified in each of the court decisions has been used for the boundaries of adjudicated basins.

Well completion reports for wells present in basin areas that were identified from the geologic map were reviewed to identify the depth to the top of the water table and the top of impermeable bedrock. If there was less than 25 feet of permeable material present or if there was no groundwater present within the permeable material, the area was eliminated from the map. The well completion reports were also reviewed to determine if water supply wells located within the delineated basin area were extracting groundwater from the permeable materials underlying the area or from the bedrock beneath the permeable material. If the wells only extracted groundwater from the bedrock, the area was eliminated from the map. This resulted in the elimination of some areas identified as basins in previous Bulletin 118 publications. If there were no wells present in basin areas identified from the geologic map and no other information on the geology underlying these areas, the areas were retained in the current version of the map. Additional hydrogeologic information might or might not verify that these areas should be retained as groundwater basins.

Groundwater basins were delineated and separated from each other by the following restrictions on groundwater flow. For more detail on the types of basins and the flow boundaries of those basins, see Table 8.

Impermeable Bedrock. Impermeable bedrock with lower water yielding capacity. These include consolidated rocks of continental and marine origin and crystalline/or metamorphic rock.

Constrictions in Permeable Materials. A lower permeability material, even with openings that are filled with more permeable stream channel materials, generally forms a basin boundary for practical purposes. While groundwater may flow through the sediment-filled gaps, the flow is restricted to those gaps.

Fault. A fault that crosses permeable materials may form a barrier to groundwater movement if movement along the fault plane has created fine material that impedes groundwater movement or juxtaposed low permeability material adjacent to an aquifer. This is usually indicated by noticeable difference in water levels in wells and/or flow patterns on either side of the fault. Not all faults act as barriers to groundwater flow.

Low Permeability Zone. Areas of clay or other fine-grained material that have significant areal or vertical extent generally form a barrier to groundwater movement within the basin but do not form basin boundaries.

Groundwater Divide. A groundwater divide is generally considered a barrier to groundwater movement from one basin to another for practical purposes. Groundwater divides have noticeably divergent groundwater flow directions on either side of the divide with the water table sloping away from the divide. The location of the divide may change as water levels in either one of the basins change, making such a "divide" less useful. Such a boundary is often used for subbasins.

Adjudicated Basin Boundaries. The basin boundaries established by court order were used for all adjudicated basins. These court-decided boundaries affect the location of natural boundaries of adjoining basins. Some adjudicated basins are represented as subbasins in this bulletin.

Available reports on the geologic and hydrogeologic conditions in the delineated basin areas were also reviewed to determine if there was information that would further define the boundaries of the basin areas. This review resulted in changes to some of the basin boundaries identified in previous versions of Bulletin 118.

Several of the larger groundwater basins were further subdivided into groundwater subbasins in Bulletin 118-80 and additional large groundwater basins were subdivided during this 2003 revision. The subbasin boundaries were also primarily defined using geologic contacts and hydrogeologic divides where possible. If this was not possible, political or institutional boundaries were used.

The hydrogeologic information contained in the basin descriptions that supplement this update of Bulletin 118 includes only the information that was available in California Department of Water Resources (DWR) files through reference searches and through limited contact with local agencies. Local agencies may have conducted more recent studies that have generated additional information about water budgets and aquifer characteristics. Unless the agency notified DWR or provided a copy of the recent reports to DWR staff that recent information has not been included in the basin descriptions. Therefore, although Senate Bill 610 refers to groundwater basins identified as overdrafted in Bulletin 118, it would be prudent for local water suppliers to evaluate the potential for overdraft of any basin included as a part of a water supply assessment.

Persons interested in collecting groundwater information in accordance with the Water Code as amended by SB 221 and SB 610 may start with the information in Bulletin 118, but should follow up by consulting the references listed for each basin and contacting local water agencies to obtain any new information that is available. Otherwise, evaluation of available groundwater resources as mandated by SB 221 and SB 610 may not be using the most complete and recent information about water budgets and aquifer characteristics.

Groundwater basin and subbasin boundaries shown on the map included with this bulletin are based on evaluation of the best available information. In basins where many studies have been completed and the basin has been operated for a number of years, the basin response is fairly well understood and the boundaries are fairly well defined. Even in these basins, however, there are many unknowns and changes in boundaries may result as more information about the basin is collected and evaluated.

In many other basins where much less is known and understood about the basin, boundaries will probably change as a better understanding of the basin is developed. A procedure for collecting information from all the stakeholders should be developed for use statewide so that agreement on basin boundaries can be achieved.


DEPARTMENT OF WATER RESOURCES
STATE OF CALIFORNIA