CALIFORNIA CODE OF REGULATIONS
TITLE 23. WATERS
DIVISION 2. DEPARTMENT OF WATER RESOURCES
CHAPTER 1.5. GROUNDWATER MANAGEMENT
SUBCHAPTER 1. GROUNDWATER BASIN BOUNDARIES

ARTICLE 1. Introductory Provisions

§ 340. Authority and Purpose

These regulations specify the information a local agency is required to provide when requesting that the Department revise the boundaries of a basin or subbasin, including the establishment of new subbasins, and the methodology and criteria used by the Department to evaluate a modification to existing basin or subbasin boundaries.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

§ 340.2. Intent

The revision of the boundaries of any basin or subbasin or creation of new subbasins that are adopted by the Department shall be consistent with the State's interest in the sustainable management of groundwater basins as expressed in the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720).

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1, Water Code.

§ 340.4. Basin Boundaries

Unless other basin or subbasin boundaries are established pursuant to these regulations, a basin or subbasin's boundaries shall be as identified in Bulletin 118. A clear and unambiguous written description of a basin or subbasin boundary in Bulletin 118 shall prevail over any inconsistent basin or subbasin boundary as depicted on a map, in an electronic data file, or otherwise, except when modified pursuant to these regulations. Any discrepancy or uncertainty shall be resolved by the Department based upon the best available technical information.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10721(b), 10722, 10722.2, and 12924, Water Code.

ARTICLE 2. DEFINITIONS

§ 341. Definitions

In addition to terms defined in the Sustainable Groundwater Management Act and in Bulletin 118, which definitions apply to these regulations, the following terms used in this Chapter have the following meanings:

(a) "Act" means the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720).

(b) "Administrative adjustment" means a basin or subbasin boundary adjustment by the Department that either (1) amends existing basin or subbasin boundary data files to accurately reflect an unambiguous written basin or subbasin boundary description as defined in Bulletin 118 or amended pursuant to this Part, or (2) restates the description of a basin or subbasin boundary to more precisely reflect a mapped basin or subbasin boundary consistent with the original description.

(c) "Affected agency" means a local agency, as defined in Water Code Section 10721(m), whose jurisdictional area would, as a result of a boundary modification, include more, fewer, or different basins or subbasins than without the modification.

(d) "Affected basin" means a basin or subbasin that is the subject of a boundary modification request and any basin or subbasin where the ability to achieve sustainable groundwater management could be significantly affected by groundwater use or management practices in another existing or proposed basin or subbasin. An adjacent basin or subbasin is presumed to be an affected basin for purposes of this Subchapter. The Department may determine a non-adjacent basin or subbasin is an affected basin if convincing evidence shows that the hydraulic connection to another basin or subbasin is likely to affect the ability of the non-adjacent basin or subbasin to achieve sustainable groundwater management over the planning and implementation horizon.

(e) "Affected system" means a public water system, as defined in Water Code Section 10721(r), whose service area would, as a result of a boundary modification, include more, fewer, or different basins or subbasins than without the modification.

(f) "Aquifer" refers to a three-dimensional body of porous and permeable sediment or sedimentary rock that contains sufficient saturated material to yield significant quantities of groundwater to wells and springs, as further defined or characterized in Bulletin 118.

(g) "Basin" is defined in the Sustainable Groundwater Management Act as a groundwater basin or subbasin identified and defined in Bulletin 118. For purposes of

this Chapter, unless the context indicates otherwise, those terms are further defined as follows:

(1) The term "basin" shall refer to an area specifically defined as a basin or "groundwater basin" in Bulletin 118, and shall refer generally to an aquifer or stacked series of aquifers with reasonably well-defined boundaries in a lateral direction, based on features that significantly impede groundwater flow, and a definable bottom, as further defined or characterized in Bulletin 118.

(2) The term "subbasin" shall refer to an area specifically defined as a subbasin or "groundwater subbasin" in Bulletin 118, and shall refer generally to any subdivision of a basin based on geologic and hydrologic barriers or institutional boundaries, as further described or defined in Bulletin 118.

(h) "Basin consolidation" refers to any boundary modification that would reduce the number of subbasins within a basin or merge two or more adjacent basins but would change only shared boundaries and would not change the external boundary of any basin or subbasin.

(i) "Basin subdivision" refers to any boundary modification that would increase the number of subbasins within a basin or subbasin.

(j) "Boundary modification" means a change to the boundaries of an existing basin or subbasin or the establishment of a new subbasin.

(k) "Commission" means the California Water Commission.

(l) "County basin consolidation" means the consolidation of all contiguous basins or subbasins within a county into a single basin or subbasin whose boundaries do not extend beyond those of the county. If there are non-contiguous basins within a county, the consolidation applies separately to each basin or group of contiguous basins in the county. A county basin consolidation may redefine the shared boundaries of one or more adjacent basins or subbasins, but would not result in a net change in the amount of area included within a basin.

(m) "Department" means the Department of Water Resources.

(n) "External boundary modification" refers to any proposal that would modify the boundary between the groundwater basin and the area outside any basin.

(o) "GIS" means a Geographic Information System that collects, stores, analyzes, and displays spatial or geographically referenced data.

(p) "Hydrogeologic barrier" refers to any subsurface feature that significantly impedes groundwater flow.

(q) “Hydrogeologic conceptual model” means a description of the geologic and hydrologic framework governing the occurrence of groundwater and its flow through and across the boundaries of a basin and the general groundwater conditions in a basin or subbasin.

(r) “Internal boundary modification” refers to any boundary modification that would modify the location of a boundary between subbasins within a basin or the shared boundary between adjacent basins.

(s) “Professional engineer” means a professional engineer licensed pursuant to Business and Professions Code, Division 3, Chapter 7, Section 6700 et seq.

(t) “Professional geologist” means a professional geologist licensed pursuant to Business and Professions Code, Division 3, Chapter 12.5, Section 7800 et seq.

(u) “Qualified map” means a geologic map of a scale no smaller than 1:250,000 that is published by the U. S. Geological Survey or the California Geological Survey, or is a map published as part of a geologic investigation conducted by a state or federal agency, or is a geologic map prepared and signed by a professional geologist that is acceptable to the Department.

(v) “Requesting agency” means the local agency that requests a boundary modification as authorized by Water Code Section 10722.2.

(w) “Request manager” is an employee or authorized representative of a requesting agency who has been delegated responsibility for submitting the boundary modification request and serving as the point of contact between the requesting agency and the Department.

(x) “State” means the State of California.

(y) “Technical study” means a geologic or hydrologic report prepared and published by a state or federal agency, or a study published in a peer-reviewed scientific journal, or a report prepared and signed by a professional geologist or by a professional engineer.

(z) “Written notice” means notification by electronic mail or U.S. Mail.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Division 3, Chapter 12.5, Section 7800 et seq., and Chapter 7, Section 6700 et seq., Business and Professions Code; Sections 25299.97 and 116275, Health & Safety Code, Sections 10721, 10722.2, and 12924, Water Code.

ARTICLE 3. BOUNDARY MODIFICATION CATEGORIES

§ 342. Introduction to Boundary Modifications

This Article describes different categories of boundary modifications. The identified categories are scientific modifications, based on geologic or hydrologic criteria, and jurisdictional modifications, which promote sustainable groundwater management. An administrative adjustment does not constitute a boundary modification subject to this Subchapter.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1, 10722.2 and 12924, Water Code.

§ 342.2. Scientific Modification

A scientific modification to a basin or subbasin boundary consists of one of the following modifications and involves the addition, deletion, or relocation of a boundary based on the geologic or hydrologic conditions that define a groundwater basin or subbasin:

(a) An external boundary modification. Except in the case of some basin consolidations involving adjacent basins, external basin boundaries will only be modified as a result of scientific modifications.

(b) An internal boundary modification. A basin or subbasin boundary may be modified, deleted, or added based on the presence or absence of a hydrogeologic barrier.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

§ 342.4. Jurisdictional Modification

A jurisdictional modification involves the addition, deletion, or relocation of a basin or subbasin boundary that is not a scientific modification but promotes sustainable groundwater management and is one of the following:

(a) Internal boundary modification.

(b) Basin consolidation, including county basin consolidation.

(c) Basin subdivision.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

§ 342.6. Other Boundary Modifications

Any boundary modification that does not conform to the categories specified in this article may be considered by the Department based on information the Department deems adequate to evaluate the modification in accordance with Section 10722.2 of the Water Code.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

ARTICLE 4. PROCEDURES FOR MODIFICATION REQUEST AND PUBLIC INPUT

§ 343. Introduction to Procedures

This Article describes procedural requirements related to boundary modification requests and public input to those requests.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.2. Eligibility to Request Boundary Modification

A request for boundary modification may be initiated by a local agency whose jurisdictional area lies within or borders the existing or proposed basin or subbasin for which boundary modification is sought.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.4. Forms and Instructions

The Department shall make the forms and instructions for boundary modification requests available on its Internet Web site prior to basin boundary submission periods.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.6. Combination of Requests

Requesting agencies shall, to the greatest extent practicable, combine all boundary modification requests that affect the same basin or subbasin and coordinate with other affected agencies and affected systems, as necessary, to present the information as a single request. The Department may require the combination of boundary modification requests to avoid duplicative or conflicting requests, and may consider and adopt all or any proposals contained in a combined boundary modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.8. Submission Periods

Prior to updating or revising Bulletin 118, and at other times, as needed, the Department shall establish submission periods during which boundary modification requests will be accepted. The initial submission period shall start January 1, 2016, and remain open at least 90 days. The Department shall announce the start of each subsequent submission period on its Internet Web site at least 60 days before the period begins, and the period will remain open at least 60 days. However, the submission periods described in this Section shall not apply to any request made pursuant to Section 841 of the Code of Civil Procedure.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 841, Code of Civil Procedure; Sections 10722.2 and 12924, Water Code.

§ 343.9. Initial Notification

(a) Within 15 days of a local agency's decision to explore boundary modification, the relevant local agency shall notify the Department by written notice of its interest in exploring a boundary modification and make general information about its process publicly available by posting relevant information to the local agency's Internet Web site or by other suitable means. The initial notification shall include a brief description and preliminary map of the proposed boundary modification.

(b) The Department shall post the initial notification required by this Section on the Department's Internet Web site within ten (10) working days of receipt.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.10. Status of Request

(a) The Department shall acknowledge the receipt of all boundary modification requests by written notice and shall post all materials received on the Department's Internet Web site within ten (10) working days of receipt.

(b) The Department shall determine whether the boundary modification request is complete and provide written notice to the requesting agency of its determination or of the need for additional information.

(1) A boundary modification request will be deemed complete if it substantially complies with the requirements of this Subchapter. Substantial compliance means that the requesting agency has attempted to comply with these regulations and the

legislative intent of the Act in good faith, and the supporting information submitted and the form of submission are sufficiently detailed and necessary, as determined by the Department, to evaluate the boundary modification request.

(2) The Department will not evaluate a boundary modification request until the request has been deemed complete and the requesting agency has provided any other information specifically requested by the Department. However, the Department may begin its evaluation before evidence of support as described in Section 344.8(d) has been made available if the requesting agency affirms that the required support is likely forthcoming.

(c) When the Department determines that a request for boundary modification is complete, the Department shall update information posted to the Department's Internet Web site to reflect that the Department is prepared to evaluate the request on its merits and to receive public input to the request pursuant to Section 343.12.

(d) The requesting agency shall, upon receiving notice that the request is complete, within five (5) working days notify all local agencies and public water systems in the affected basins and any other person or entity who has made a written request for notification of the proposed modification to the requesting agency. The notice from the requesting agency shall describe the procedural requirements to provide public input to a request pursuant to Section 343.12, including the deadlines to submit public input, the form in which public input must be submitted, and the address to which public input must be submitted.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 10723.4, Water Code.

§ 343.12. Public Input

(a) Any person may provide information to support or oppose a proposed boundary modification request as follows:

(1) Public input must be submitted by written notice to the Department within 30 days after the Department posts a notice that the request is complete pursuant to Section 343.10(c), and provide the requesting agency a duplicate copy of that information the same day.

(2) Public input must include the name, address, and electronic mail address of the person or entity providing that input.

(3) Public input must include a clear statement of the basis for the support of or opposition to the proposed boundary modification.

(4) The level of detail provided by public input need not be as comprehensive as that contained in the request, but must rely on similar scientific and technical information as the particular boundary modification request to which it is addressed, and will be evaluated by the Department using the same criteria.

(b) The Department shall post all public input on the Department's Internet Web site.

(c) The Department is not required to respond to comments received through public input, but will consider such comments as part of its evaluation of a boundary modification request.

(d) The Department shall give the requesting agency a reasonable opportunity to respond to public input, including the opportunity to modify the boundary modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 343.14. Withdrawal of Request

The requesting agency may withdraw a boundary modification request at any time before the request is finalized by providing written notice to the Department.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

ARTICLE 5. SUPPORTING INFORMATION

§ 344. Introduction to Supporting Information

This Article describes the type of information provided by a requesting agency to support a boundary modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 344.2. Requesting Agency Information

Each request for boundary modification shall include the following information:

(a) The name and mailing address of the requesting agency.

(b) A copy of the statutory or other legal authority under which the requesting agency was created with specific citations to the provisions setting forth the duties and responsibilities of the agency.

(c) A copy of the resolution adopted by the requesting agency formally initiating the boundary modification request.

(d) The name and contact information, including phone number, mailing address and electronic mail address, of the request manager.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 344.4. Notice and Consultation

Each request for boundary modification shall include information demonstrating that the requesting agency consulted with affected agencies and affected systems including, but not limited to, the following:

(a) A list of all local agencies and public water systems in the affected basins with the subset of affected agencies and affected systems specifically identified.

(b) An explanation of the methods used to identify affected agencies and affected systems.

(c) Information regarding the nature of consultation, including copies of correspondence with affected agencies and affected systems and any other persons or entities consulted, as appropriate.

(d) A summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency, including copies of any meeting agendas or minutes, if prepared, and any notices published.

(e) A copy of all comments regarding the proposed boundary modification received by the requesting agency and a summary of any responses made by the requesting agency.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 344.6. Description of Proposed Boundary Modification

(a) Each request for boundary modification shall include a concise description of the proposed modification, including an overview of the request and a description or explanation of the following:

(1) The category of boundary modification proposed.

(2) The identification of all affected basins or subbasins, including Bulletin 118 basin or subbasin names and numbers.

(3) A proposed name for each new subbasin or consolidated basin, if applicable.

(b) Each request for a jurisdictional boundary modification pursuant to Section 342.4 shall also include the following:

(1) An explanation of how the proposed boundary modification would promote sustainable groundwater management in the proposed basin or subbasin.

(2) An explanation of how the proposed boundary modification would affect the ability of adjacent basins or subbasins to sustainably manage groundwater in those basins or subbasins.

(3) A historical summary of groundwater management in the proposed basin or subbasin.

(4) An explanation of how the proposed boundary modification may affect state programs, including, but not limited to the California Statewide Groundwater Elevation Monitoring (Water Code Section 10920 et seq.), Groundwater Management Plans developed pursuant to AB 3030 (Water Code Section 10750 et seq.), Groundwater Sustainability Plans or alternatives developed pursuant to the Sustainable Groundwater Management Act (Water Code Section 10720 et seq.), any

applicable state or regional board plans, and other water management and land use programs.

(c) Any other information deemed appropriate by the requesting agency, including but not limited to, an explanation of opportunities that would arise from or obstacles that would be overcome by the boundary modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 10733.6, Water Code.

§ 344.8. Local Agency Input

(a) Each request for boundary modification shall include the following:

(1) Evidence that the requesting agency provided information to affected agencies and affected systems regarding the proposed boundary modification as required by Section 344.4 and provided those affected agencies and affected systems an opportunity to comment in support or opposition.

(2) Copies of all comments and documents from affected agencies and affected systems in support of or opposition to the proposed modification.

(3) Any evidence the requesting agency believes will rebut any opposition to the proposed boundary modification or otherwise assist the Department in its evaluation.

(b) Any affected agency or affected system that elects to support or oppose the proposed boundary modification shall provide the requesting agency with one of the following:

(1) A copy of a resolution formally adopted by the decision-making body of the affected agency or affected system.

(2) A letter signed by an executive officer or other official with appropriate delegated authority who represents the affected agency or affected system.

(c) The level of detail provided by an affected agency or affected system in support or opposition to a proposed boundary modification need not be as comprehensive as that contained in the request, but the support or opposition must rely on similar scientific and technical information as the particular boundary modification request to which it is addressed, and will be evaluated by the Department using the same criteria.

(d) A request that involves basin subdivision pursuant to Section 342.4(c) shall provide information demonstrating that the proposed boundary modification is supported by at least three-fourths of the local agencies and public water systems in the affected basins.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 344.10. General Information

Each request for boundary modification shall include the following information:

(a) A description of the lateral boundaries and definable bottom of the proposed basin or subbasin that is in clear and definite terms, based on authoritative sources, and of sufficient detail to allow a map of the proposed lateral basin or subbasin boundaries to be plotted from that description.

(b) A graphical map of adequate scale and GIS files showing the proposed basin or subbasin boundary in relation to the existing Bulletin 118 basin or subbasin boundary and the affected agencies and affected systems that are within or bordering the existing and proposed basin or subbasin.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

§ 344.12. Hydrogeologic Conceptual Model

(a) Each request for boundary modification shall include a clearly defined hydrogeologic conceptual model demonstrating the following for the proposed basin or subbasin:

(1) Principal aquifers.

(2) Lateral boundaries, including:

(A) Geologic features that significantly impede or impact groundwater flow.

(B) Aquifer characteristics that significantly impede or impact groundwater flow.

(C) Significant geologic and hydrologic features and conditions of the principal aquifers, as appropriate, including information regarding the confined or unconfined nature of the aquifers, facies changes, truncation of units, the presence of faults or folds that impede groundwater flow, or other groundwater flow restricting features.

(D) Key surface water bodies, groundwater divides and significant recharge sources.

(3) Recharge and discharge areas within or adjacent to the basin or subbasin.

(4) Definable bottom of the basin or subbasin.

(b) The Department may waive the requirement of this section for an internal boundary modification pursuant to Section 342.4(a) if the requesting agency is able to demonstrate

that the proposed boundary modification is unlikely to affect sustainable groundwater management.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

§ 344.14. Technical Information for Scientific Modifications

(a) Each request for a scientific modification pursuant to Section 342.2 shall include information that demonstrates the extent of the aquifers, including the following:

(1) A qualified map that depicts the lateral boundaries of the aquifers that define the basin or subbasin.

(2) A technical study that provides subsurface data demonstrating the vertical thickness and relevant physical properties of the aquifers, such as hydrogeologic cross section(s), if available.

(b) In addition to the information required in Section 344.14(a), each request for scientific modification involving a hydrogeologic barrier pursuant to Section 342.2(b) shall demonstrate the presence or absence of impediments to subsurface groundwater flow, such as impermeable material, a fault, or groundwater divide, based on the following information:

(1) A qualified map depicting geologic structures or features that could significantly impact or impede groundwater flow.

(2) A technical study that provides geologic and hydrologic evidence of groundwater conditions including, as appropriate:

(A) Historical and current potentiometric surface maps, groundwater levels, groundwater recharge and discharge areas of the aquifers within the vicinity of proposed boundary modification.

(B) Aquifer testing results demonstrating boundary condition response.

(C) Water quality information of the aquifers including but not limited to general water quality parameters and isotopic analysis.

(D) Geophysical investigations and supporting data.

(E) Other information that the requesting agency considers relevant to the boundary modification request.

(c) Other technical information required by the Department that is necessary to evaluate a boundary modification request made pursuant to Section 342.2.

(d) A request for a scientific modification to an external boundary pursuant to Section 342.2(a) may utilize any of the information in Section 344.14(b) if the requesting agency believes it may assist the Department in its evaluation.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

§ 344.16. Technical Information for Jurisdictional Modifications

(a) Each request for a boundary modification that involves a jurisdictional modification pursuant to Section 342.4 shall include the following:

(1) A water management plan that covers all or a portion of the proposed basin or subbasin and contributes to meeting the requirements of Water Code Sections 10753.7(a) or 10727, including any of the following:

(A) An adopted groundwater management plan, a basin wide management plan, or other integrated regional water management program or plan that meets the requirements of Water Code Section 10753.7(a).

(B) Management pursuant to an adjudication action.

(C) One or more technical studies that cover the relevant portion of a basin or subbasin.

(D) A valid Groundwater Sustainability Plan adopted pursuant to the Act or an alternative approved by the Department in accordance with Water Code 10733.6.

(2) A Statement of the existing and planned coordination of sustainable groundwater management activities and responsibilities where required by the Act.

(b) Each request for a boundary modification that involves a basin subdivision pursuant to Section 342.4(c) shall provide, where applicable, a description and supporting documentation of historical and current conditions and coordination within the existing and proposed basin or subbasin related to the following:

(1) Groundwater level monitoring programs, historical and current groundwater level trends, and areas of significant groundwater level declines.

(2) Groundwater quality issues that may impact the supply and beneficial uses of groundwater, including a map of known impacted sites and areas, mitigation measures planned or in place, and a description of impact to water budget.

(3) Inelastic land surface subsidence including a map of known land subsidence areas, historical trends within known land subsidence areas, and a description of impacts to the water budget.

(4) Groundwater-surface water interactions, which may be demonstrated by a map identifying significant surface water bodies, and a groundwater elevation contour map or detailed written description of the direction of groundwater movement relative to the water bodies, the location and nature of seeps and springs, and known water quality issues within the basin or subbasin and in hydraulically connected adjacent basins or subbasins.

(5) A map identifying the recharge areas.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2, 10727, 10733.6, 10753.7, and 12924, Water Code.

§ 344.18. CEQA Compliance

The requesting agency shall satisfy requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), including, if necessary, information to enable the Department to satisfy the requirements of a responsible agency.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

ARTICLE 6. METHODOLOGY AND CRITERIA FOR EVALUATION

§ 345. Introduction to Methodology and Criteria for Evaluation

This Article establishes the methodology and criteria for the evaluation of proposed boundary modifications.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 345.2. Basis for Denial of Request for Boundary Modification

The Department will evaluate boundary modification requests to determine whether the request has the overall effect of promoting sustainable groundwater management. A request may be denied if one or more factors that could limit substantial compliance with the Act are identified, including the following:

(a) The proposed boundary modification may limit the opportunity or likelihood of any of the following:

(1) Sustainable groundwater management in the proposed basin or subbasin.

(2) Sustainable groundwater management in other basins or subbasins.

(3) Groundwater storage or recharge in the proposed or adjacent basins or subbasins.

(4) Coordination of management activities and the sharing of data and information across basin or subbasin boundaries.

(b) The requesting agency is unable to provide information that would allow the Department to assess whether there is a history of sustainable management of groundwater levels in the existing or proposed basin or subbasin.

(c) For scientific modifications, if the Department does not consider that the available scientific evidence supports the addition, deletion, or relocation of a basin or subbasin boundary.

(d) The requesting agency has failed to provide all required information or information deemed necessary by the Department or has failed to substantially comply with the requirements of this Subchapter.

(e) The proposed boundary modification could result in the isolation of areas with known groundwater management problems, or of areas, including disadvantaged communities, that may lack the institutional infrastructure or economic resources to form an effective

groundwater sustainability agency or develop an implementable groundwater sustainability plan or alternative, or any other groundwater management plan.

(f) The proposed boundary modification could result in the creation of unmanaged areas.

(g) An objection to a jurisdictional boundary modification has been raised by any of the following:

(1) An agency created by statute to manage groundwater.

(2) The Watermaster or other manager of an adjudicated groundwater basin or portion of a groundwater basin.

(3) An exclusive local agency for compliance with the Act within their statutory boundaries.

(4) A county in which the proposed boundary modification would occur.

(h) Where the Department finds that the requested boundary modification would be inconsistent with the objectives of the Act.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.8, 10722.2, 10723, 10727, 10733.6, and 10753.7, Water Code.

§ 345.4. Criteria for Evaluating Supporting Information

The Department shall apply the following criteria to assess whether the proposed basin or subbasin can be sustainably managed or would limit the sustainable management of adjacent basins or subbasins, and whether there is a history of sustainable management of groundwater levels in the proposed basin or subbasin.

(a) For scientific modifications pursuant to Section 342.2, the Department will consider the adequacy of hydrogeologic conceptual models and technical studies based on their demonstration of scientific support for the boundary modification. The models and technical studies will be evaluated according to the following:

(1) Hydrogeologic conceptual models will be evaluated to determine the degree to which they apply technical information to describe the geologic framework, the direction and movement of groundwater flow, the water budget for the basin or subbasin, and any other feature as required by Section 344.12.

(2) Qualified maps of surficial geology, structural geology, or geophysical investigations, supporting subsurface interpretations, and any other feature as required by Section 344.14, will be evaluated to assess the presence or absence of a groundwater flow boundary.

(3) Potentiometric surface maps, groundwater levels, groundwater recharge and discharge areas, aquifer testing results, water quality data, and any other feature as required by Section 344.14 will be evaluated to assess the presence or absence of a groundwater flow boundary.

(b) For jurisdictional modifications pursuant to Section 342.4, the Department shall review evidence from existing water management plans that cover all or a portion of the proposed basin or subbasin. The Department shall evaluate the likelihood that the proposed basin or subbasin can be sustainably managed, the groundwater management practices in place within the basin or subbasin, and the historical and existing aquifer response to these management practices. The water management plan will also serve to provide additional information should it be necessary to clarify questions regarding management activities or supporting technical information.

(c) For jurisdictional modifications of basin consolidation or county basin consolidation or basin subdivision pursuant to Section 342.4(b) and (c), the Department will evaluate the adequacy of hydrogeologic conceptual models. The evaluation will assess the degree to which the models apply technical information to describe the geologic framework, the direction and movement of groundwater flow, the components of the water budget for the basin or subbasin, and any other feature as required by Section 344.12.

(d) For jurisdictional modifications of basin subdivision pursuant to Section 342.4(c), the Department will evaluate, where applicable, the adequacy of the description and supporting documentation of historical and current conditions and coordination in the existing and proposed basin or subbasin of the following:

(1) Current and historical groundwater levels from a groundwater monitoring well network that satisfies the following criteria:

(A) A sufficient density of monitoring wells to evaluate and implement sustainable groundwater management as determined by the Department.

(B) Wells with perforated intervals in all principal aquifers.

(C) The density and distribution of wells is adequate to characterize the potentiometric surface for each of the principal aquifers.

(D) The methods of data collection follow best management practices and data are collected at similar intervals and frequency.

(E) Groundwater level data demonstrate that the principal aquifers have not experienced long-term declines in groundwater levels.

(2) Water quality data, including data showing that areas with known water quality impacts would not be more isolated or concentrated.

(3) Current and historical land subsidence data demonstrating that no significant inelastic land subsidence is occurring.

(4) Technical information related to groundwater–surface water interactions showing that surface water is not adversely affected by groundwater extractions.

(5) Technical information related to recharge areas showing that recharge is not adversely affected by the proposed boundary modification.

(6) Evidence of coordination between local agencies and public water systems pertaining to water budgets, data collection, and other agreements designed to promote sustainable groundwater management, as appropriate.

(e) For any boundary modification request, the Department may consider any other scientific or technical information that relates to the ability of a proposed basin or subbasin to achieve sustainable groundwater management.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

ARTICLE 7. ADOPTION OF BOUNDARY MODIFICATION

§ 346. Introduction to Department Procedures

This Article describes the procedure for the adoption of boundary modifications by the Department.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 10723.4, Water Code.

§ 346.2. Presentation of Draft Boundary Modifications

(a) If the Department determines that a boundary modification is supported by adequate technical information and meets the requirements of this Subchapter, the Department shall post the draft revised basin and subbasin boundaries on the Department's Internet Web site and hold at least one public meeting to solicit comments on the draft boundaries prior to submitting them to the Commission.

(b) The Department shall present a copy of the draft revised basin and subbasin boundaries to the Commission to hear and comment on the draft revisions pursuant to Section 10722.2(e).

(c) The Department may finalize the revised basin and subbasin boundaries 60 days after the draft revisions have been presented to the Commission or 30 days after the Commission has met to hear and comment on the draft revisions, whichever comes earlier, if no substantial changes are required.

(d) If the Department makes substantial changes to a proposed boundary modification after presentation to the Commission, the Department shall notify the requesting agency and resubmit the proposed changes to the Commission for further review consistent with the Act.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

§ 346.4. Record of Boundary Modifications

After revising the boundaries of a basin or subbasin, or establishing a new subbasin, the Department shall record that information on the Department's Internet Web site and incorporate the revised basin and subbasin boundaries in subsequent updates to Bulletin 118.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

§ 346.6. Subsequent Modifications by Department.

If, after revising the boundaries of a basin or subbasin, or establishing a new subbasin, the Department determines, based on substantial evidence, that assumptions regarding the sustainable management of the new basin or subbasins were incorrect, and that as a result the boundary modification should not have been adopted, the Department may, after consultation with the requesting agency, either restore the boundaries that existed before the boundary modification or revise the boundaries consistent with this Subchapter.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.