
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair

2025 - 2026 Regular

Bill No:	AB 568	Hearing Date:	July 16, 2025
Author:	Macedo		
Version:	June 24, 2025 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Genevieve Wong		

Subject: Tule East Groundwater Sustainability Agency Act

SUMMARY

This bill would create the Tule East Groundwater Sustainability Agency (GSA) to oversee groundwater management and compliance with the Sustainable Groundwater Management Act in portions of the Tule subbasin in eastern Tulare County.

BACKGROUND AND EXISTING LAW

Sustainable Groundwater Management Act (SGMA).

SGMA was enacted in 2014 to create a statewide requirement for sustainably managing groundwater resources. The objective of SGMA is to ensure the long-term reliability of groundwater resources and connected surface water resources. SGMA provides for the management of groundwater resources by local agencies subject to state oversight and, in the event that actions of local agencies are insufficient, state intervention by the State Water Resources Control Board (State Water Board).

Tule subbasin.

Located in California's Central Valley in the southern portion of the San Joaquin Valley, the Tule Subbasin covers approximately 475,895 acres, or about 744 square miles.

The Department of Water Resources designates the subbasin as "high" priority and subject to conditions of critical overdraft. Communities within the subbasin include the City of Porterville, Allensworth, Alpaugh, Ducor, Earlimart, East Porterville, Pixley, Poplar-Cotton Center, Richgrove, Terra Bella, Teviston, Tipton, and Woodville.

According to the 2022 Census data, the Tule Subbasin has an estimated population of 152,577 people. Most of the land within the subbasin and surrounding areas is used for growing crops and raising livestock. Groundwater in the subbasin is used for drinking water, agriculture, wildlife habitat, and oil and gas extraction.

GSAs for the Tule subbasin.

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

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

District, Terra Bella Irrigation District, Kern-Tulare Water District, and Porterville Irrigation District. For various reasons, all of the original members of the GSA, except Tulare County, have since split off to form new GSAs. Tulare County is the sole remaining participant in the joint powers agreement.

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

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

Existing law, under SGMA:

- 1) Requires high- or medium-priority basins that are subject to critical conditions of overdraft to be managed by a GSP or coordinated GSPs by January 31, 2020, and requires all other high- or medium-priority basins to be managed under a GSP or coordinated GSPs by January 31, 2022. (Water Code (WAT) §10720.7(a)).
- 2) Authorizes a local agency or combination of local agencies overlying a groundwater basin to decide to become a GSA for that basin. (WAT §10723)
- 3) Requires a GSA of each medium- and high-priority basin to develop and implement a GSP to meet the sustainability goal of implementing one or more GSPs that achieve sustainable groundwater management, as specified. (WAT §§10721, 10727).
- 4) Requires a GSA, upon adoption of a GSP, to submit the GSP to DWR for review. (WAT §10733.4(a)).
- 5) If GSAs develop multiple GSPs for a basin, requires the GSPs not be submitted until the entire basin is covered by GSPs. When the entire basin is covered by GSPs, the GSAs are required to jointly submit to DWR (1) the GSPs, (2) an explanation of how the GSPs implemented together satisfy SGMA for the entire basin, and (3) a copy of the coordination agreement between the GSAs to ensure the coordinated

implementation of the GSPs. (WAT §10733.4(b)).

- 6) Requires DWR to post the GSP on its internet website upon receipt and provide 60 days for persons to submit comments to DWR about the plan. (WAT §10733.4(c)).
- 7) Requires DWR to evaluate the GSP within two years of its submission and to issue an assessment of the plan. (WAT §10733.4(d)).

PROPOSED LAW

This bill would:

- 1) Create the Tule East GSA in the County of Tulare.
- 2) Specify that the initial boundaries of the Tule East GSA include:
 - a) All land located within the boundaries of the Hope Water District and the Ducor Water District located in the County of Tulare.
 - b) The area within the Tule subbasin east of the boundaries of the Lower Tule Irrigation district, Pixley Irrigation District, and Delano-Earlimart Irrigation District, excluding the boundaries of the Porterville Irrigation District, Sausalito Irrigation District, Vandalia Water District, Tea Pot Dome Water District, Terra Bella Irrigation District, Kern-Tulare Water District, and the City of Porterville.
- 3) Authorize the initial boundaries to be changed by the Tule East GSA's board of directors, as provided.
 - a) Prohibit the boundaries of the agency from being adjusted to include an area of the basin within the management area, or proposed management area, of another GSA unless a memorandum of agreement is entered into.
- 4) Require the Tule East GSA to be governed by a board of directors (board) that consist of five members, as follows:
 - a) One member chosen by Hope Water District from the members of the board of directors of Hope Water District.
 - b) One member chosen by Ducor Water District from the members of the board of directors of Ducor Water District.
 - c) One member chosen by the County of Tulare.
 - d) Two members chosen by the other three board members to represent groundwater-dependent agricultural interests within the East Tule GSA territory.
- 5) Provide that board members shall serves of four years except that members appointed by Hope Water District, Ducor Water District, and Tulare County shall serve only as long as the member is an official of the appointing agency. Provide that members appointed by Hope Water District, Ducor Water District, and Tulare County may serve more than one term.

- 6) Authorize the board to adopt an ordinance to provide compensation to its members, as provided. Prohibit a board member from being compensated for more than a total of 10 days in any calendar month.
- 7) Authorize the board to adopt resolutions, policies, rules, and regulations at a public hearing for the purpose of regulating, conserving, managing, and controlling the use and extraction of groundwater within the territory.
- 8) Require the East Tule GSA to enter into a coordination agreement with other GSAs managing portions of the Tule subbasin.
- 9) Authorize the East Tule GSA to exclude groundwater pumpers from any part of its policies, rules, or regulations if the pumper extracts less than a minimum amount of groundwater annually specified by the board.
- 10) Authorize the East Tule GSA to collect data and conduct technical and other investigations to carry out these provisions. Require all hydrological investigations and studies carried out by the East Tule GSA be constructed by or under supervision of licensed engineers or other persons qualified in groundwater geology or hydrology.
- 11) Authorize the East Tule GSA to recommend and encourage water recycling and other water development projects that will enhance and contribute to responsible groundwater management as part of its annual plan for implementation of groundwater management objectives.
- 12) Require the East Tule GSA to develop and implement a GSP.
- 13) Authorize the East Tule GSA to exercise any of the powers and authorities granted to GSAs by SGMA.
- 14) Authorize the East Tule GSA to impose fees, including permit fees and groundwater extraction fees, to fund the costs of a groundwater sustainability program.
- 15) Add the East Tule GSAs to the list of “exclusive” local agencies with authority to manage groundwater and comply with SGMA within their respective agency boundaries.
- 16) Add a savings clause providing that in the event of any conflict between SGMA and this bill, the provisions of SGMA apply.
- 17) Makes various legislative findings and declarations regarding the need for this bill.

ARGUMENTS IN SUPPORT

According to the author, “Water is life, and Tulare County has been deeply impacted by the Sustainable Groundwater Management Act. Assembly Bill 568 restores stability to the community by creating a dedicated Groundwater Sustainability Agency, empowering the County to protect its water resources, support its agricultural economy, and secure a sustainable future for its residents.”

According to the County of Tulare, when the other entities that made up Eastern Tule GSA left the County as the sole member, “[t]he County does not have the resources to run a GSA and looked to the Kings River East Model (SB 37, 2016) to form a new GSA to cover the remaining area.”

ARGUMENTS IN OPPOSITION

In a letter submitted by Clean Water Action, on behalf of other environmental justice groups, “[i]t is unclear how forming yet another GSA will alleviate the breakdown of governance in the basin. Rather than continuing to divide groundwater management in the region, it would be valuable to incentivize greater collaboration to ensure continued local control.” The groups are also “concerned about the financial burden this will place on Hope Water District and Ducor Water District. These are small county water districts, and if the bill passes, they would be responsible for meeting all SGMA requirements. It’s unclear how they could afford to do so given their limited resources.”

COMMENTS

AB 1044 (Macedo). The author of AB 568 had an identical bill, AB 1044, this legislative session. AB 1044 was not taken up on the Assembly Floor and was moved to the inactive file on June 9, 2025. On June 24, the contents of AB 568 (this bill) was replaced with the contents of AB 1044.

Starting over or building upon prior efforts? This bill seeks to address the breakup of the Eastern Tule GSA. However, there is concern that statutorily creating a new GSA will add to the time that it will take for the Tule subbasin to reach sustainability for two reasons. First, the organizations that would make up the GSA proposed by this bill could form the GSA immediately, without the enactment of this bill. It is argued that instead of waiting for the statutory creation of the GSA, one could be formed immediately. Second, the new GSA will need to develop a new GSP.

According to the author’s office, this bill is needed to prevent what happened with the Eastern Tule GSA where all but one of the member agencies withdrew from the GSA. By statutorily creating the East Tule GSA, it will be harder for members to withdraw. Additionally, the author and sponsor state that because the East Tule GSA will cover a similar territory as the former Eastern Tule GSA, the GSP development process will not need to start over and instead would build upon the Eastern Tule GSP.

Tule subbasin. It is of note that even if AB 568 is enacted, the creation of the East Tule GSA will not solve some of the larger issues that the Tule subbasin faces. Until the GSAs within the subbasin are able to develop GSAs that can be coordinated to reach groundwater sustainability, the basin is likely to remain subject to state intervention. The ability of the Tule Subbasin to move on from probation depends on the success of all the GSAs, including the East Tule GSA. An argument could be made this bill is needed to avoid what happened with the Eastern Tule GSA and provide the East Tule GSA with stability.

Tailor-made. This bill is based on language that was used to create the Kings River East Groundwater Sustainability Agency Act (Vidak, SB 37, Chapter 391, Statutes of 2016). Parties in opposition have expressed concern regarding some of the provisions as they would be implemented in the context of Tule Subbasin’s circumstances. As such, stakeholders in opposition are seeking the following amendments:

- Requiring 30 days' notice, instead of 14 days' notice, of a public hearing if the initial boundaries of the GSA are proposed to be changed and requiring that the map containing the GSA's boundaries be submitted to DWR. This proposed amendment helps address concern of changing GSA boundaries. See *Amendment 1*.
- Requiring that the Tulare County-chosen governing board member be a member of the Tulare County Board of Supervisors. This amendment would enhance County involvement, addressing the concern that Tulare County would not be adequately involved. See *Amendment 2, proposed Section 501(a)(3)*.
- Requiring at least one member of the governing board be or represent socially disadvantaged farmers. This amendment helps address concern that socially disadvantaged farmers would not be represented on the governing board. See *Amendment 2, proposed Section 501(a)(4)*.
- Strike "supplemental water" provisions that would have prohibited an operator with supplemental water from being subject to more restrictive regulations than imposed on other operators. Strike the definition of "supplemental water" as a conforming change. This amendment helps address concern that the language could restrict the GSA's ability to implement its plan and policies. See Amendments 3 and 4.

The committee may wish to make above-described amendments.

Related legislation.

SB 372 (Cannella, Chapter 357, Statutes of 2017) creates the San Joaquin River Exchange Contractors Groundwater Sustainability Agency.

SB 37 (Videk, Chapter 391, Statutes of 2016) creates the Kings River East Groundwater Sustainability Agency.

SB 564 (Cannella, Chapter 392, Statutes of 2016) creates the North Fork Kings Groundwater Sustainability Agency.

SUGGESTED AMENDMENTS

AMENDMENT 1

Amend Section 302 as follows:

(a) The initial boundaries may be changed upon action by the agency's board of directors after a noticed public hearing with ~~44~~ **30** calendar days' notice. The boundaries shall be depicted on a map that shall be ***submitted to the Department and*** maintained by the board of directors of the agency.

AMENDMENT 2

Amend Section 501 as follows:

(a) The agency shall be governed by a board of directors that shall consist of five members, as follows:

- (1) One member shall be chosen by Hope from the members of the board of directors of Hope.
- (2) One member shall be chosen by Ducor from the members of the board of directors of Ducor.
- (3) One member shall be chosen by the county ***from the members of the board of supervisors of Tulare County.***
- (4) Two members shall be chosen by the other three board members to represent groundwater-dependent agricultural interests within the territory of the agency. These members shall be actively engaged in the production of agriculture within the territory of the agency. These members ~~shall~~ ***may*** be selected from a list of nominations submitted by the Tulare County Farm Bureau, but the nominees need not be members of the farm bureau. ***At least one member shall be or represent socially disadvantaged farmers.***

AMENDMENT 3

Strike Section 417.

~~417. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the basin or aquifer and floodwaters that are conserved and saved within the watershed or watersheds that would otherwise have been lost or would not have reached the basin or aquifer.~~

AMENDMENT 4

Strike Section 704.

~~704. The availability of supplemental water to any operator shall not subject that operator to regulations by the agency that are more restrictive than those imposed on other operators.~~

SUPPORT

County of Tulare (sponsor)
Valley Ag Coalition

OPPOSITION

Central California Environmental Justice Network
Clean Water Action
Community Water Center
Community Water Leaders Network
Leadership Counsel for Justice and Accountability

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