

Under Alternative A, during times of the year when a retail water supplier is unable to meet the water demands of a commercial cultivation business, the business may use groundwater to meet its water demands. Under Alternative B, up to two commercial cultivation businesses would be authorized to meet some or all of their water demand through the use of groundwater. Under both alternatives, the use of groundwater must not result in a net deficit or lowering of the groundwater table, and groundwater must be used in accordance with any applicable groundwater sustainability plan.

Alternative A for Water Service:

Make the following revisions to the following sections:

Revise Section 28.408(c)(2) to read:

- (2) The application must include proof of water service availability from a retail water supplier.

Revise Section 88-28.414(d) to read:

- (d) Water.

- (1) To the maximum extent feasible, water conservation measures, water recapture systems, drip irrigation, raised beds, or grey water systems must be incorporated in cannabis cultivation operations in order to minimize use of water.

- (2) Except as specified in subsection (d)(3) of this section, water service for a commercial cultivation business must be provided by a retail water supplier.

- (3) A commercial cultivation business may satisfy its water demand by pumping groundwater from a groundwater production well if all of the following criteria are met:

- (A) The retail water supplier does not provide retail water service at all times during the year.

- (B) Groundwater is used to satisfy water demand of the business only during those periods when the retail water supplier does not provide retail water service to the business.

- (C) The use of groundwater by the business will not substantially deplete groundwater supplies, and will not substantially interfere with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level.

- (D) The business uses groundwater in accordance with any applicable groundwater sustainability plan adopted by a groundwater sustainability agency within which the business is located.