

ASSEMBLY BILL

No. 1390

Introduced by Assembly Members Alejo and Perea

**(Principal coauthors: Assembly Members Bigelow, Gray, Olsen,
and Salas)**

(Principal coauthors: Senators Cannella and Vidak)

**(Coauthors: Assembly Members Cooley, Cooper, Eggman, Frazier,
Ridley-Thomas, and Wilk)**

(Coauthors: Senators Fuller, Galgiani, and Nielsen)

February 27, 2015

An act relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as introduced, Alejo. Groundwater: adjudication.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

Existing law authorizes the State Water Resources Control Board, under certain circumstances, to grant a petition signed by one or more claimants to water of any stream system, as defined, requesting the determination of the rights of the various claimants to the water of that stream system. Existing law authorizes the board, upon the granting of that petition, to determine all rights to water of the stream system, whether based on appropriation, riparian right, or other basis of right.

This bill would declare the intent of the Legislature to enact legislation that would, among other things, develop procedures to provide a more

streamlined and expeditious groundwater adjudication process by which courts may conduct comprehensive determinations of all rights to groundwater in a basin, while fully respecting established principles of water rights law and providing participants appropriate due process.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Diverse economic, environmental, and social interests are
4 implicated by sustainable groundwater management.

5 (b) Previous groundwater adjudication actions have taken more
6 than a decade before issuance of a final judgment by the court in
7 an adjudication action.

8 (c) In light of the scope and complexities of groundwater
9 adjudication actions, the state’s welfare will be promoted by the
10 development of specially tailored legal procedures to efficiently
11 process groundwater adjudication actions.

12 SEC. 2. It is the intent of the Legislature to enact legislation
13 that would do all of the following:

14 (a) Develop procedures to provide a more streamlined and
15 expeditious groundwater adjudication process, while at the same
16 time fully respecting established principles of water rights law and
17 providing participants appropriate due process.

18 (b) Establish procedures by which courts may conduct
19 comprehensive determinations of all rights to groundwater in a
20 basin.

21 (c) Encourage early resolution of groundwater rights disputes.

22 (d) Substantially reduce the time and expense of groundwater
23 adjudications, while ensuring fair procedures to protect all parties’
24 rights to groundwater.

25 (e) Ensure the judicial process is not used to delay or thwart the
26 goal of managing groundwater in a sustainable manner.

27 (f) Reduce the burdens placed on the judiciary under the current
28 adjudication process.

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