

**Introduced by Senator Pavley**February 13, 2015

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An act to add Chapter 12 (commencing with Section 10737) to Part 2.74 of Division 6 of the Water Code, relating to groundwater.

## LEGISLATIVE COUNSEL'S DIGEST

SB 226, as introduced, Pavley. Sustainable Groundwater Management Act: groundwater rights.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.

Existing law specifies the jurisdiction of the courts. Under existing law, courts may adjudicate rights to produce groundwater and exercise other powers relating to the supervision of a groundwater basin.

This bill would provide that it establishes a timely method for determining rights to groundwater in furtherance of the objectives of the act. This bill would require the process to be available to any court of competent jurisdiction. This bill would require the boundaries of a basin to be as identified in Bulletin 118, unless other basin boundaries are established, as specified.

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

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

1 SECTION 1. Chapter 12 (commencing with Section 10737)  
2 is added to Part 2.74 of Division 6 of the Water Code, to read:

3  
4 CHAPTER 12. DETERMINATION OF RIGHTS TO GROUNDWATER

5  
6 Article 1. General Provisions

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8 10737. (a) This chapter establishes a timely method for  
9 determining rights to groundwater in furtherance of the objectives  
10 of this part.

11 (b) It is the intent of the Legislature to subsequently amend this  
12 chapter to address all of the following:

13 (1) Basin boundaries pursuant to Article 3 (commencing with  
14 Section 10739).

15 (2) Notice and service.

16 (3) Provision of expert information and science.

17 (4) Fairness and balance under the law.

18 (5) Consistency with *Winters v. United States* (207 U.S. 564  
19 (1908)), the McCarran Amendment (codified at 43 U.S.C. Sec.  
20 666), and any other federal laws regarding the determination of  
21 federal or tribal water rights, as applicable.

22  
23 Article 2. Application

24  
25 10738. The process defined in this chapter shall be available  
26 to any court of competent jurisdiction.

27  
28 Article 3. Basin Boundaries

29  
30 10739. Unless other basin boundaries are established pursuant  
31 to Section 10722.2 or subdivision (b) of Section 12924, the  
32 boundaries of a basin shall be as identified in Bulletin 118.

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