

# Chronology of California Groundwater Law

## Groundwater Management Experts

- Water Resources Assessment
- Water Balance and Safe Yield
- Groundwater Modeling
- Groundwater Resource Development
- Contaminant Hydrogeology
- Source Water Assessment and Protection
- Water Re-use and Conjunctive Use
- Aquifer Storage and Recovery
- Drinking Water Treatment
- GIS and Geomatics
- Litigation Support/Expert Witness
- Forensic Engineering
- Risk Assessment
- Stakeholder/Public Participation
- Regulatory Strategy



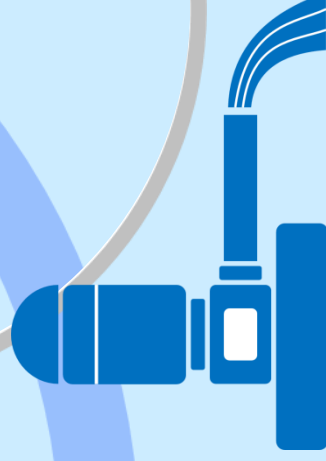
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# A Chronology of Groundwater Law in California



**2014:** September 2014: Three bills signed into law by Governor Jerry Brown and become the Sustainable Groundwater Management Act (SGMA).  
July 2014: SB 1319 added to clean-up issues with AB 1739 and SB 1168.  
June 2014: AB 1739 and SB 1168 amended to establish the SGMA.  
May 2014: Recommendations for Sustainable Groundwater Management: Developed through a Stakeholder Dialogue issued by California Water Foundation.  
April 2014: Recommendations for Achieving Groundwater Sustainability issued by Association of California Water Agencies (ACWA).  
January 2014: Governors 2014-2015 Budget:  

- Funding for the California Water Action Plan
- Expand water storage capacity
- SWRCB to protect groundwater basins at risk of permanent damage

**2012-2015:** Drought

**2013:** State Water Resources Control Board (SWRCB) issues a Discussion Draft Groundwater Workplan Concept Paper, which lays out five key elements to effectively manage groundwater:  

- Sustainable thresholds for water level drawdown and water quality
- Monitoring of water levels and water quality
- Governance structures to manage groundwater
- Funding mechanisms
- State oversight and enforcement

**1992:** AB 3030: Provides a systematic procedure for an existing local agency to develop a GMP.

**1983:** National Audubon Society v. Superior Court (Mono Lake Decision). Audubon Society claimed that water rights held by Los Angeles damaged Mono Lake and should be negated by the Public Trust doctrine. The court held that the public trust doctrine restricts the amount of water that can be withdrawn from navigable waterways.

**1979:** SB 1505. Required DWR to identify basins subject to critical overdraft.

**1974-1977:** Drought

**1971:** Marks v. Whitney. The court expanded the public trust notion to include the preservation of lands (or waters) in their natural state.

**1969:** National Environmental Protection Act (NEPA)

**1968:** SWRCB adopts Resolution 68-16, the State Anti-degradation Policy

**1962:** Assembly Interim Committee on Water. Highlights groundwater overdraft and other problems, but does not recommend State-wide groundwater legislation.

**1959-1962:** Drought

**1956:** California DWR formed.

**1953:** SB 91. All those pumping groundwater within the OCWD would be charged a fee (a pump tax) proportional to the volume pumped to fund the OCWD.

**1949:** Dickey Act creates the State Water Pollution Control Board and nine regional water quality control boards (RWQCBs).

**1928:** Article X, Section 2 of the California Constitution added. Requires that water be put to beneficial and "reasonable" use and not wasted.

**1922:** Antioch v. Williams Irrigation District. Court confirmed the validity of Antioch's pre-1914 water rights as superior.

**1913:** City of Pasadena v. Alhambra. Supreme Court determined that an appropriator can have prescriptive rights superior to overlying rights.

**1903:** Katz v. Walkinshaw. California Supreme Court decided that overlying rights must be "reasonably" used for beneficial purposes to be protected (cannot "sleep on rights"), they take priority over appropriative rights, and they are correlative (proportional to land ownership).

**1887:** Wright Act allowed farmers to collectively form irrigation districts.

**1881:** Feliz v. City of Los Angeles. The California Supreme Court affirms that Pueblo Rights are superior to all others.

**1851:** California legislature adopts appropriative water rights.

**1848:** Treat of Guadalupe Hidalgo upholds the validity of Spanish property rights, including riparian and appropriative rights.

**2010:** California Water Action Plan recommends "sustainable groundwater management", State intervention when local efforts fail.

**2011:** AB 359. Modified the Groundwater Management Act by requiring public agencies to prepare and implement a Groundwater Management Plan (GMP) with an additional required component that is focused on identifying groundwater recharge areas. The AB 359 legislation also includes several plan adoption procedural changes.

**2007-2009:** Drought

**2002:** Sax Report. Concludes that subterranean streams and percolating groundwater were not geologic realities, and SWRCB has the authority to regulate all groundwater that was hydrologically connected to surface water or that violated constitutional or common law prohibitions, such as those against waste or unreasonable use.

**2002:** SB 1938. Modified the Groundwater Management Act by requiring any public agency seeking State funds administered through Department of Water Resources (DWR) for the construction of groundwater projects to prepare and implement a GMP with specified required components. The SB 1938 requirements apply not just to management areas that overlie Bulletin 118 defined groundwater basins, but to those agencies that have groundwater management outside of those basins.

**2000:** California Environmental Water Account (CEWA). Preserves environmental flows for wildlife.

**2000:** City of Barstow v. Mojave Water Agency. Supreme Court decision that groundwater management or equitable physical solution "preserve water right priorities to the extent those priorities do not lead to unreasonable use".

**1999:** Garrapta Creek Decision, SWRCB confirmed that water in alluvium beneath a creek is a subterranean stream subject to SWRCB permitting and the California Environmental Quality Act (CEQA).

**1986:** United States v. SWRCB (Racanelli Decision). Consistent with California reasonable use law, the SWRCB has authority to restrict water to maintain instream water quality.

**1978:** California Water Rights Commission recommends legislation to deal with groundwater management, adjudication of groundwater rights, and conjunctive use of surface and groundwater resources. Recommends local management with a State backstop. Local groundwater management agencies had to develop management programs and submit reports to the SWRCB. These agencies could hold property, charge fees, register extractions, recharge the basin, and implement conjunctive sue. Recommendations were never incorporated into an Act that became law (until 2014).

**1975:** DWR Bulletin 118: California's Ground Water

**1970:** CEQA

**1969:** California Porter-Cologne Water Quality Control Act (WQA)

**1961:** Porter-Doolig Groundwater Basin Protection Law tasking DWR with a series of groundwater investigations.

**1959:** WRD formed to manage groundwater in the Los Angeles Basin (the only such district formed under the WRD Act of 1955).

**1955:** Water Replenishment District (WRD) Act. Local agencies could be created to manage groundwater, and charge a property tax or pump tax to fund replenishment.

**1933:** SB 1201. Creates the OCWD to legally defend the basin water rights, replenish the basin with outside water, and reclaim flood and storm water for beneficial use.

**1926:** Herminghaus v. Southern California Edison. Court decides that water must be put to beneficial use.

**1915:** California Water Commission Act forms an agency that would become SWRCB, and creates a permit system for appropriative surface water rights (including subterranean streams flowing through known and defined channels). Pre-1914 rights are not subject to permit.

**1905:** City of Los Angeles acquires and associated water rights in Owens Valley.

**1886:** Lux v. Haggin. California Supreme Court affirms riparian rights as primary over appropriative rights.

**1871:** California codifies water rights in Civil Code.

**1850:** California legislature adopts riparian (overlying) water rights.

**1769:** Spanish settle Alta California.