



# History and Role of Groundwater Adjudications in Southern California

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# I. Thinking differently about the role of courts

From the Superior Court decision in *California-American Water v. City of Seaside et al.* (2006): “Courts are vested with not only the power but also the affirmative duty to suggest a physical solution where necessary, and it has ‘the power to enforce such solution regardless of whether the parties agree,’” quoting the California Supreme Court’s decision in *City of Lodi v. East Bay Municipal Utility District* (1936).

From the California Supreme Court decision in *Rancho Santa Margarita v. Vail* (1938): “It must be remembered that in this type of case the trial court is sitting as a court of equity, and as such, possesses broad powers to see that justice is done in the case. The state has a defining interest in seeing that none of the valuable waters from any of the streams of the state should go to waste. Each case must turn on its own facts, and the power of the court extends to working out a fair and just solution, if one can be worked out, of those facts.” 11 Cal.2d 501 at 560.

## II. Chronology of Southern California adjudications

### 1937 – 1949 **Raymond Basin: *Pasadena v. Alhambra***

Referee's report filed 1943

Stipulated agreement presented to court 1943

Trial court judgment 1944

Affirmed by California Supreme Court 1949

### 1945 – 1964 **West Basin: *California Water Service Co. et al. v. City of Compton et al.***

First referee's report filed 1952

Interim agreement approved by court 1955

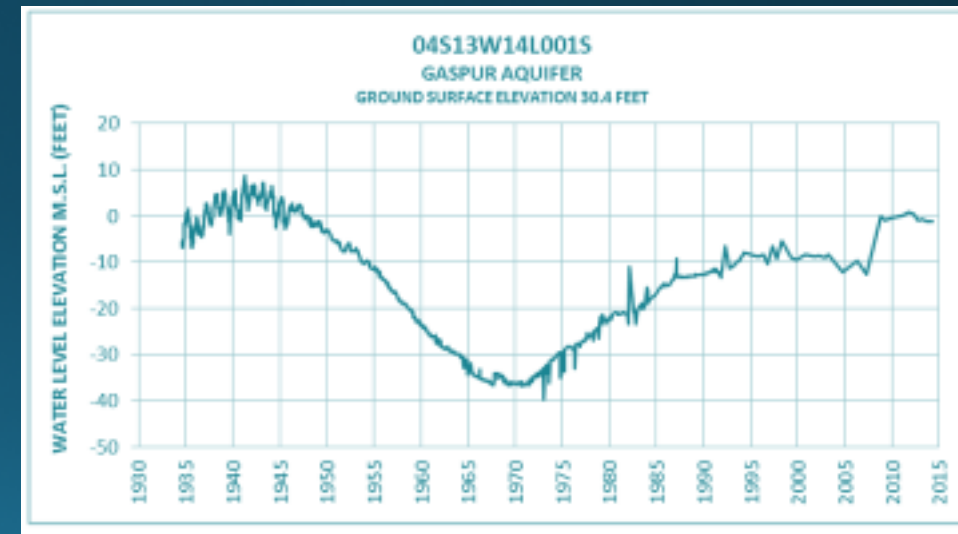
Additional parties included 1956

Second referee's report filed 1959

Trial court judgment 1961

Affirmed by Court of Appeal 1964

Review denied by California Supreme Court 1964



## II. Chronology of Southern California adjudications, cont'd

- 1959 – 1965 **San Gabriel River: *City of Long Beach et al. v. San Gabriel Valley Water Co. et al.***  
Joint engineering study completed 1961  
Statement of Principles for Settlement signed 1961  
Settlement agreement drafted 1963  
Stipulated judgment presented to and approved by trial court 1965  
Affirmed by Court of Appeal 1965
- 1962 – 1966 **Central Basin: *Central and West Basin Water Replenishment District v. Charles E. Adams et al.***  
Interim agreement approved by court 1962  
Stipulated judgment presented to and approved by trial court 1965  
Trial court judgment takes effect 1966
- 1968 – 1973 **Main San Gabriel Basin: *Upper San Gabriel Valley Municipal Water District v. City of Alhambra et al.***  
Stipulation for judgment filed 1972  
Trial court judgment entered 1973

## II. Chronology of Southern California adjudications, cont'd

### 1955 – 1979 **San Fernando Valley: *City of Los Angeles v. City of San Fernando et al.***

Referee's report filed 1962

Trial completed, memorandum of decision filed 1967

Trial court judgment entered 1968

Court of Appeal reverses trial court judgment 1972

California Supreme Court affirms Court of Appeal, remands to trial court 1975

Stipulated agreement among parties 1977

Final judgment entered 1979

### 1966 – 1975 **Mojave basin I: *Mojave Water Agency v. Clarence Abbey et al.***

Second complaint adds parties, motion for reference denied 1970

Stipulated agreement drafted 1970

Motion for dismissal filed by some defendants 1973

Motion for dismissal filed by Mojave Water Agency 1975, litigation ended



## II. Chronology of Southern California adjudications, cont'd

- 1963 – 1970** *Santa Ana River: Orange County Water District v. City of Chino et al.*  
Earlier adjudications against upstream water users had occurred in the 1930s and 1950s  
Complaint modified to drop several defendant 1968  
Stipulated judgment filed and approved by trial court 1969  
Trial court judgment effective 1970
- 1975 – 1978** *Chino Basin: Chino Basin Municipal Water District v. City of Chino et al.*  
Stipulated judgment filed 1977  
Trial court judgment entered 1978
- 1990 – 2002** *Mojave Basin II: City of Barstow et al. v. Mojave Water Agency et al.*  
Stipulated judgment filed 1993  
Trial court judgment 1996  
Court of Appeal decision affirming in part, reversing in part, and remanding 1998  
California Supreme Court decision affirming in part and reversing in part 2000  
Final judgment entered 2002

## II. Chronology of Southern California adjudications, cont'd

1976 – 1977 **Warren Valley Basin: *High Desert County Water District v. Yucca Water Co.***

1981 – 1986 **Puente Basin: *Puente Basin Water Agency et al. v. City of Industry et al.***

1991 – 1996 **Santa Paula Basin: *United Water Conservation District v. City of San Buenaventura***

1998 – 1998 **Six Basins: *Southern California Water Co. v. City of La Verne et al.***



## II. Chronology of Southern California adjudications, cont'd

Several of these cases have returned to court since the original adjudications listed above.

Courts have retained continuing jurisdiction over these cases, which has allowed for actions to modify the original judgments and actions to enforce them against allegations that provisions were being violated.





### III. Evolution of the judgments in these cases

- A. From fixed to **variable safe yield**, starting with Main San Gabriel Basin
- B. From ministerial to **policy-making watermasters**, starting with Main San Gabriel Basin
- C. From production-only rights to **production-and-storage rights**, starting with Chino Basin
- D. Recognition of **water quality considerations**, starting with San Gabriel River

Because of continuing jurisdiction, these changes did not merely affect subsequent cases but fed back to earlier ones through modifications of judgments.

## IV. Intended effects of these adjudications

- A. **Preserve local supplies** from various threats
- B. Create rules that would apply **within a basin**—putting boundaries around the problem and tailoring solutions
  1. Some basins face seawater intrusion, others don't
  2. Some are “downstream” and others aren't
  3. Some can foresee considerable changes in land and water uses
- C. Establish **enforceable and transferable rights**
- D. **Curtail free riding**, and finance basin replenishment and protection programs

Those who undertook basin adjudications did so with multiple interrelated goals in view, not just curtailment of pumping.

## V. Adjudications were **part of broader efforts** at water management

- A. Basin associations created first
- B. Access to imported supplies both facilitated and stimulated efforts to control pumping
- C. Actions were taken against neighboring basins and upstream users
- D. Establishing groundwater rights and pumping yields was not a solution in itself, but also a key to making other management efforts successful and sustainable

This is important to keep in mind. Basin adjudications don't create sustainable groundwater management all by themselves. Even where they have succeeded in attaining their intended purposes, they have been accompanied by other actions.

## VI. Much more than groundwater rights allocations resulted

- A. **Basin governance and policy-making institutions** were created
- B. **Within-basin markets** emerged, enabling shifts in groundwater allocations over time
- C. Innovations in one case carried over to other cases—evidence of **deliberation and learning**
- D. **Process improvements** – while adjudications remained expensive and time-consuming, they generally got shorter as experiences accumulated and traveled from one basin to another
- E. Basins where users wanted to avoid adjudication also saw what they could do

## VII. Missed opportunities and unfinished business

- A. **Storage issues** remain contentious and unresolved in some basins
- B. Negotiated stipulations, trial court judgments, and appellate court decisions have exacerbated the problem of **multiple competing groundwater rights** and the consequent uncertainty
- C. **Surface water rights and management remain separate** from groundwater rights and management
  1. Conjunctive use still underutilized
  2. Not clear how increased use of stormwater and treated wastewater will be integrated either
- D. **Land use decisions remain outside** these systems



# Thank you!

