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THE CALIFORNIA SUSTAINABLE GROUNDWATER MANAGEMENT ACT

A Brief Overview



Presenter:

KEVIN T. HAROFF

Partner

E - kharoff@martenlaw.com

D - 415 . 684 . 9359

Background – California's Groundwater Management Pre-SGMA

- Right to use groundwater viewed as a property right attached to overlying surfaced lands. (*City of Pasadena v. City of Alhambra*).
- Doctrine of **correlative rights**: land owners had a common right to the beneficial use of percolating waters underlying their property.
- When an underlying aquifer became overdrawn, courts could allocate pumping rights among overlying land owners through an adjudication.

SGMA's Approach – Groundwater Sustainability Goals and Plans

- Local agencies must adopt plans to achieve sustainability goals within 20 years of implementation.
- Sustainability goal is intended to “*achieve sustainable groundwater management*” to ensure that a basin is “*operated within its sustainable yield*” without causing “*undesirable results.*”
- Most groundwater basins throughout the state are subject to SGMA requirements – exemptions include previously adjudicated and “low priority” basins.
- Approximately 96% groundwater used in California will be covered.

The Importance of **Local Control**

- Legislative intent: to “*manage groundwater basins through actions of local governmental agencies to the greatest extent feasible.*”
- In general, any local agency with water supply, water management or land use responsibilities can become the groundwater sustainability agency for a given basin.
- Designated agencies have enumerated additional regulatory powers, including powers to: require registration of groundwater extraction facilities; limit and allocate extraction; authorize transfers; impose fees and bring civil enforcement actions.

State Oversight and Intervention

- **California Department of Water Resources (DWR)**
 - Establishes basin priorities (only high and medium priority basins are subject to regulation).
 - Publishes BMPs for sustainable groundwater management.
 - Reviews plans every 5 years to ensure compliance.
- **State Water Resources Control Board (SWRCB)**
 - Can give basins “probationary” status where local agencies fail to develop required plans or implement insufficient plans.
 - May adopt interim sustainability plans for basins with probationary status.

Conclusion





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