

ASSEMBLY THIRD READING

AB 2125 (Bennett)

As Amended March 25, 2026

Majority vote

SUMMARY

Enhances the requirements imposed upon a plaintiff when filing a notice of completion of the mailing when conducting the specialized service of process provisions utilized in comprehensive groundwater adjudications.

Major Provisions

- 1) Requires, if the notice was mailed, when filing a completion of a notice of mailing in a comprehensive groundwater adjudication, a plaintiff to also file the affidavit of the person who mailed the notice stating the date, time, and place of mailing for each parcel, and shall attach any certified or registered mail delivery receipts received as of the date of the filing.
- 2) Requires, if the notice was posted in the subject property, when filing a completion of a notice of mailing in a comprehensive groundwater adjudication, a plaintiff to also file the affidavit of the person who posted the notice specifying the date, time, and physical location of each parcel where the posting occurred, accompanied by a photograph depicting the posted notice.
- 3) Authorizes a court to require the plaintiff to utilize restricted delivery of any mailed notices if the court finds appropriate and necessary or to ensure those who have not been properly notified of the groundwater adjudication.

COMMENTS

Groundwater supplies between 40 and 60% of California's annual freshwater supply. Unlike surface water rights, which have been highly regulated for over a century, for most of California history groundwater use was not regulated by state or local entities. As a result, most disputes over groundwater rights are forced into adjudication in court whereby a judge can impose pumping restrictions and apportion water rights to various parties in a groundwater basin. Because groundwater adjudications impact the rights of every water user in a basin it is imperative that all property owners are notified of their right to participate in the adjudication to protect their rights. However, despite legislative efforts to properly inform all groundwater users of the need to protect their rights, the author of this bill contends that the existing processes are still leaving too many landowners unaware of the need to protect their rights. Accordingly, this bill seeks to improve the notice and recordkeeping requirements associated with mailing notices to impacted landowners and expand the court's ability to mandate the use of registered mailing of notices.

Given the importance of ensuring full participation in a groundwater adjudication, the Legislature has adopted specialized notice requirement to ensure proper service to all interested parties. As a part of a series of reforms to groundwater law in the early to mid-2010s, in 2015 the Legislature adopted specialized procedures for comprehensive groundwater adjudications with the passage of AB 1390 (Alejo) Chap. 672, Stats. 2015. One of the many aspects of groundwater adjudications that AB 1390 addressed was the unique need to inform all landowners within a groundwater basin of the requirement that the landowner must join the adjudication to protect

their rights. Recognizing that personally serving potentially thousands of landowners in a groundwater basin was a time consuming and costly endeavor, AB 1390 enacted streamlined mailing provisions to replace traditional notice and service rules.

Under the AB 1390 framework a plaintiff is required to obtain court approval for a standardized notice of the commence of the action. Upon court approval, the plaintiff is required to identify the assessor parcel numbers and physical addresses of all real property in the basin and the names and addresses of all holders of fee title to real property in the basin using the records of the assessor or assessors of the county or counties in which the basin to be adjudicated lies. Once that list is submitted to the court, the plaintiff must then mail the court-approved notice to those landowners or, if mailing is not feasible, physically post the notice at a conspicuous location on the property. In the event the judge presiding over the matter deems the above process insufficient, the AB 1390 process authorizes the judge to authorize any other procedures that the judge finds appropriate and necessary to effectuate notice. Recognizing that actually serving notice to thousands of landowners is a near-impossible task, the AB 1390 framework legally specified that there was effective service of process of the complaint and notice on all interested parties to the comprehensive adjudication for purposes of establishing in rem jurisdiction and the comprehensive effect of the adjudication, so long as the AB 1390 procedures were utilized properly, whether or not all parties actually received notice.

The author of this measure contends, despite the best intentions of the AB 1390 procedures, that too many small landowners are not being properly notified of groundwater adjudications. Given that the failure to answer the notice of the adjudication is tantamount to a default judgment, the author contends too many landowners are losing their water rights in proceedings they did not know were occurring. Given that the failure of the AB 1390 process either results in the loss of a landowner's water rights, or leads to costly late interventions to a groundwater adjudication, the author contends the AB 1390 process must be strengthened to better ensure that landowners actually receive notice of an adjudication.

Seeking to protect landowners, this bill enhances the AB 1390 adjudication process. When a landowner is not properly notified of a groundwater adjudication, they either lose their rights or must scramble to seek the right to intervene in the adjudication late in the process. Neither outcome is ideal, and late interventions add costs to all parties and delay the outcome of the adjudication, leaving water resources at risk of overdraft for prolonged periods of time. Seeking to improve the adjudication notice process this bill would require a plaintiff to submit an affidavit of the person who sent the mailing or posted the notice. In the case of a mailed notice, the affidavit must state the date, time, and place of mailing for each parcel, and attach any certified or registered mail delivery receipts received as of the date of the filing. For posted notices, the affidavit must include the date, time, and physical location of each parcel where the posting occurred, accompanied by a photograph depicting the posted notice. By filing the affidavits with the court, the author hopes to provide the court with better information that the notice was actually effectuated. The bill also provides new powers for a judge to order mailings to utilize restricted delivery mailings, which requires a signature from the intended recipient and not simply any person at the location where the mail is delivered.

According to the Author

"AB 2125 protects small farmers and individual water rights holders by making certain that they receive notice of an adjudication that could impact their rights. In Ventura County, the Las Posas case impacted thousands of residents – many of whom never received notification

of the case. In something as fundamental as the right to water, a simple addition of providing proof to the court that the mailing had been received, and not just mailed, seems to be a minor burden on the plaintiffs. It is a question of good government: should we ensure that everyone has all the information to ensure a level playing field? I believe we should."

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES**ASM JUDICIARY: 12-0-0**

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

UPDATED

VERSION: March 25, 2026

CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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