

designates a watermaster who ensures the adjudicated areas are managed in accordance with the court ruling. According to Bulletin 118, as of 2020, there are 30 adjudicated areas, mostly in Southern California, that cover portions of 42 groundwater basins. Five of the 42 basins are covered with two or more adjudications.

According to the Water Education Foundation, “through adjudication, the courts can assign specific water rights to water users and can compel the cooperation of those who might otherwise refuse to limit their pumping of groundwater.”

State law gives every overlying property owner a potential right in an unadjudicated groundwater basin. As such, determining who has groundwater rights that could be affected by an adjudication and the scope of those rights is difficult and can be a lengthy process; adjudications typically take more than a decade to resolve. Identifying and noticing every party that may have a right, completing technical work and sorting through disagreements over this technical work, and determining historic groundwater use which could affect the scope of one's rights are all factors that can contribute to increasing the time and expense of an adjudication.

In an attempt to streamline the groundwater adjudication process in the wake of SGMA's passage, the Legislature passed SB 226 (Pavley, Chapter 676, Statutes of 2015) and AB 1390 (Alejo, Chapter 672, Statutes of 2015). Together the two bills sought to establish the methods and procedures for a comprehensive adjudication. AB 1390 requires that these adjudication provisions be applied and interpreted consistently with all of the following, amongst others:

- Protecting water rights consistent with the reasonable and beneficial use doctrine;
- Conducting adjudication in a manner that promotes efficiency, reduces unnecessary delays, and provides due process; and
- Conducting adjudication that is consistent with the achievement of groundwater sustainability within the timeframes of SGMA.

SB 226 requires the court, in an adjudication action to determine rights to groundwater in a basin that is required to have a GSP under SGMA, to manage the proceedings in a manner that minimizes interference with the timely completion and implementation of a GSP, avoids redundancy and unnecessary costs in the development of technical information and a physical solution, and is consistent with the attainment of sustainable groundwater management within the timeframes established by SGMA.

Existing law, in actions relating to groundwater rights:

- 1) Requires the plaintiff to provide notice of the comprehensive adjudication to all of the following:
 - a) A GSA that overlies the basin or portion of the basin.
 - b) A city, county, or city and county that overlies the basin or portion of the basin.

- c) A district with authority to manage or replenish groundwater resources of the basin in whole or in part.
 - d) The operator of a public water system or state small water system that uses groundwater from the basin to supply water service.
 - e) A California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.
 - f) The Attorney General, the State Water Resources Control Board, the Department of Water Resources (DWR), and the Department of Fish and Wildlife.
 - g) A federal department or agency that manages a federal reservation that overlies the basin or portion of the basin.
 - h) A person identified as a person reporting extractions within the basin under SGMA, as specified.
 - i) A person who is on a list, maintained by a GSA, of interested parties that have requested notice under SGMA.
(Code of Civil Procedure (CCP) §835(a)).
- 2) Authorizes the plaintiff to provide notice by either first class mail or electronic mail.
(CCP §835(b)).
 - 3) Requires the plaintiff to provide notice within specified timeframes. (CCP §835(c)).
 - 4) Requires, when the plaintiff files the complaint, to also lodge with the court specific draft notice and draft form answer. (CCP §836(a)).
 - 5) After approval of the notice and form answer by the court and authorizing service of landowners, requires the plaintiff to:
 - a) Identify the assessor parcel numbers and physical address of all real property in the basin and names and addresses of all holders of fee title to real property in the basin, as specified.
 - b) Mail, by registered mail or certified mail return receipt requested, the notice, complaint, and form answer to all holders of fee title to real property in the basin.
 - c) If return receipt is not received for a parcel of real property, post a copy of the notice, complaint, and form answer in a conspicuous place on the real property.
 - d) Publish, within 20 days of the court order, the notice at least once per week for four consecutive weeks in one or more newspapers of general circulation in each county overlying the basin in whole or in part.
(CCP §836(d)).
 - 6) Requires the plaintiff, after completing the above-described mailing, to file with the court a notice of completion of the mailing. (CCP §836(e)).
 - 7) Following a court order authorizing service to landowners, requires the plaintiff to serve any known person that pumps groundwater who would not otherwise be

served pursuant to the above-described procedures, except as specified. (CCP §836(g)).

- 8) Allows the court to authorize any other procedures it finds appropriate and necessary to provide notice to persons who may hold groundwater rights in the basin. (CCP §836(i)).

PROPOSED LAW

This bill would:

- 1) Require a plaintiff to include in the notice of the completion of mailing, to also include an affidavit of the person who mailed the mailing notice stating the date, time, and place of mailing for each parcel, and would require the notice to include, as an attachment, any certified or registered mail delivery receipts received as of the date of the filing.
- 2) Require, if return receipt is not received for a parcel of real property, the mailing notice to also include an 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) Specify that the court may require the plaintiff to utilize restricted delivery of all mailed notices.

ARGUMENTS IN SUPPORT

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 OPPOSITION

None received

COMMENTS

This bill is double referred. This bill has been referred to both the Senate Judiciary Committee and this Committee for hearing. This Committee is the second committee of referral. This bill was heard in the Senate Judiciary Committee on June 9, 2026, and passed out with a vote of 12-0-1. Elements of this bill under the jurisdiction of the Senate Judiciary Committee are included here for completeness and context only.

This bill. In the Las Posas Groundwater Basin adjudication (No. 4-008), the above-described notice method, which was set by AB 1390, was used. The author argues that over 15,000 landowners were involved and some of the return receipts were defective, which led to some farmers not receiving notice of the adjudication. However, the court in the Las Posas Groundwater Basin adjudication did not find that proper notice under existing law was not met. (*Las Posas Valley Water Rights Coalition et al v. Fox Canyon*

Groundwater Management Agency et al, Case No. VENC100509700, Statement of Decision, Evid. Hearing on 4/8/2025, a. p. 18-19.) As failure to answer the notice of the adjudication is equivalent to a default judgment, the author suggests that too many landowners, especially small farmers and landowners, are losing their water rights in proceedings they did not know were occurring. This bill seeks to bolster the notice requirements in order to ensure that all affected parties in a groundwater basin adjudication are able to secure their water rights.

SUGGESTED AMENDMENTS: none.

SUPPORT

Community Alliance With Family Farmers

7 individuals

OPPOSITION

None received

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