Group Eight

The Role of the California Legislature on Water Policy

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Many different groups and committees contribute to policies on water in the state of California. Among them are the California State Assembly, California State Senate, the Governor and the Department of Water Resources. Throughout this report we hope to give you a better understanding of the history of water policy, how the legislature is involved in water policy and current actions taken by the California State legislature.

Since the early statehood of California water has been a controversial topic. The major topic was who had the right to the water. The gold miner's set up an appropriation system of "first-in-time, first-in-right" meaning whoever got the water first had the right to the water. This was recognized in California in 1855. However, at the same time riparian rights were being adopted as common law, this lead to the development of the California Doctrine.

The California Doctrine is a system of water rights which recognizes both appropriative and riparian rights. This came into existence because early California case law recognized both forms of water rights. In 1886 the California Supreme Court had to determine who had superior rights to the water. The case involved a downstream riparian rancher and an upstream appropriator each claiming a superior right to the water. The court's decision was that the riparian's rights are superior to the rights of an appropriator except when the water had been appropriated before the riparian acquired the land and in cases where the water had been appropriated after the passage of the 1866 Mining Act which recognized appropriation.

An important piece of legislation that must be understood is the California Water Code. The California Water Code is the rule book that the legislature must abide by
when creating or changing any legislation. Furthermore, all other groups and people of
California must obey the Water Code. Key legislation in the code is section 102 which
states "All water within the State is the property of the people of the State, but the right
to use the water may be acquired by appropriation in the matter provided by law."
Section 104 states " . . . the people of the State have a paramount interest in the use of
all the water of the State and the State shall determine what water of the State . . . can
be converted to public use . . . " Section 106 states "It is hereby declared to be the
established policy of this State that the use of water for domestic purposes is the
highest use of water and the next highest use is for irrigation."
The California Water Code also delegates power and responsibility to the
department of Water Resources and other State agencies. These responsibilities
include the transfer of water rights, technical assistance and implementing water
conservation.
The California State Assembly has several committees regarding water issues.
The California State Assembly Standing Committees, which are committees that meet
regularly, are the Water, Parks and Wildlife Committee. This committee has jurisdiction
over water, drought, fish and game, parks and recreation and museums. Other
Assembly standing committees that will deal with water issues are the Committee on
Agriculture and the Committee on Natural Resources.
The California State Assembly also has select committees that deal with water
issues. These committees deal with specific problems and try to develop long range
solutions. Current select committees dealing with water are: The Committee on Water
and Air Quality, Committee on Park and River Restoration, Committee on the
Protection of Inland Waterways and the Committee on the San Gabriel Valley Groundwater Contamination.

The California State Senate also has committees regarding water issues. Like the Assembly, the Senate has standing and select committees. Senate Standing Committees that deals with water are the Committee on Agriculture and Water Resources. This committee deals with bills relating to agriculture and water supply management. The Environmental Quality Committee deals with bills relating to environmental quality, air quality and water quality. The Committee on Natural Resources and Wildlife also deals with water. This committee deals with bills relating to wetlands, lakes, acid rain and conservation.

The California State Senate Select Committees are the Committee on CAL FED Water Program and the Committee on Delta Resources and Development.

Lastly, a few members of the Assembly and Senate belong to a joint committee. These committees consider issues of joint concern. The only committee of this type regarding water is the Committee on Fisheries and Aquaculture.

The Governor is a key component in California water policy. He has the authority to plan, organize and direct state departments and agencies. Governor Davis's water priorities are fixing the Delta, reducing the ground water overdraft, water marketing and transfers, additional water for fish and wildlife, additional storage facilities, water conservation, water recycling, desalination, transfer of the federal Central Valley Project to sate control and Colorado River water banking. The governor also has the power to veto any legislation he deems necessary.

One major state agency that the governor has some authority over is the
Department of Water Resources. Their goal is "To manage the water resources of California in cooperation with other agencies, to benefit the State's people and to protect, restore and enhance the natural and human environments." The Department of Water Resources majors goals include:

Prepare and update the California Water Plan
Plan, design, construct, operate and maintain the State Water Resource Development System
Protect and restore the Sacramento-San Joaquin Delta
Regulate dams, provide flood protection and assist in emergency management to safeguard life and property
Educate the public
Serve local water needs

On March 7, 2000, California voters approved the "Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act." The Department of Water Resources, Reclamation Board, Resources Agency, Department of Fish and Game, State Water Resource Control Board and the Department of Health Services will implement the programs funded by this water bond.

This bond will generate almost two billion dollars. Already money is being awarded to local agencies and community groups for projects that reduce urban flooding and erosion, improving environmental values and promoting community stewardship of urban streams.

Currently there are five bills concerning water being reviewed by the California State Assembly. The most bold bills are Assembly Bill 331, creating a recycled water
task force and Assembly Bill 599, a groundwater contamination monitoring program. In the California State Senate there are 10 bills being reviewed. These bills range from planning and finances to placing requirements on cities verifying sufficient water supply when approving residential subdivisions exceeding five hundred units.

The Department of Water Resources has developed the California Water Plan. This plan develops strategies to meet the State's future water needs and serve as a guide for water planners and decision makers. This water plan will also try to prevent problems by forecasting future water needs, developing strategies to meet future needs and developing monitoring programs.

In conclusion, our state legislator, Assembly and Senate committees, Governor and government agencies work in every aspect of water policy. They are apart of the planning, developing, monitoring, maintaining and conservation of water. These issues began before California was a State and will never cease to exist.

Work Cited


