

## UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 4

**DATE:** May 8, 2025

**TO:** Board of Directors

**FROM:** Agency Counsel

**SUBJECT:** AB 1413 and AB 1466

### SUMMARY

Attorney report: We would like to direct the boards attention to two pending pieces of legislation, AB 1413 and AB 1466 and consider adopting a position of support at a future meeting. Additionally, staff advises that the Board take note of the Department of Water Resources' recent determination in the Borrego Springs Basin adjudication as a clear policy signal regarding the legal relationship between GSPs and court-entered judgments.

### I. BACKGROUND: SGMA and Groundwater Adjudications

The Sustainable Groundwater Management Act (SGMA) mandates that all high- and medium-priority groundwater basins be managed through locally developed Groundwater Sustainability Plans (GSPs). However, in several basins, stakeholders have initiated groundwater adjudications to determine or challenge groundwater rights, often raising conflicts with existing or pending GSPs.

The Legislature has responded with several bills to clarify the relationship between SGMA and the adjudication process. Two such bills—AB 1413 and AB 1466—are currently pending before the State Assembly and are designed to preserve the authority and scientific determinations of GSAs during court proceedings. In parallel, the Department of Water Resources (DWR) has issued a formal determination in the Borrego Springs Basin adjudication that reinforces these legislative efforts by clarifying the limits of judicial authority when it comes to sustainable groundwater management.

### II. SUMMARY OF LEGISLATION

**AB 1413 (Papan)** would prohibit courts from approving a groundwater adjudication judgment that permits greater pumping than a validated GSP allows. The bill ensures that a validated GSP's determination of sustainable yield is respected and not undermined by a court judgment. It also consolidates legal challenges to GSPs within the adjudication process and mandates that courts resolve those challenges before turning to allocation questions. The intent is to eliminate end-runs around GSP planning through litigation and to safeguard locally developed sustainability targets.

**AB 1466 (Hart)** establishes that the standard of judicial review for GSA actions in adjudications shall be "substantial evidence," consistent with administrative law norms. It further requires GSAs to submit technical reports identifying the groundwater use of small or non-appearing parties in adjudications, including exempt users and domestic well owners. These reports become prima

facie evidence and must be considered by the court, thereby ensuring a comprehensive record of water use and the inclusion of disadvantaged users. GSAs are entitled to reimbursement for preparation costs.

Both bills passed their policy committees and are now before the Assembly Appropriations Committee. Staff reports indicate no material fiscal impact. If passed, the bills will proceed to a floor vote.

### **III. DWR'S DETERMINATION IN THE BORREGO SPRINGS ADJUDICATION**

In February 2025, the Department of Water Resources issued a formal determination approving the stipulated judgment in the Borrego Springs Basin adjudication as an alternative to a GSP under Water Code § 10733.6. Notably, the judgment adopted by the court in that case expressly incorporated the basin's previously developed and DWR-approved GSP—thus, for all practical purposes, the judgment and the GSP were identical.

DWR's determination letter, available [here](#), includes important clarification in **Footnote 26**, where DWR states unequivocally that it will not approve a judgment as an alternative to a GSP if the judgment substantially impairs the GSA's ability to comply with SGMA. Specifically, the Department warned:

“A judgment that affects a GSA's ability to implement and manage under its GSP runs the risk of violating section 10737.8... an adjudication judgment that precludes or interferes with achieving the sustainable management criteria established in a GSP by, for instance, attempting to establish higher groundwater extraction amounts, less protective management criteria or thresholds for undesirable results, or empowering an entity other than the GSA to act as watermaster... runs a significant risk of substantially impairing the ability of the GSA to comply with SGMA and therefore violating section 10737.8.”

The Borrego Springs case reinforces the legal position underlying AB 1413: that a judgment cannot override or conflict with a valid, SGMA-compliant GSP. It also strengthens the rationale for AB 1466's requirement that GSAs be consulted and compensated for providing basin-wide technical data in adjudications. Importantly, the Borrego determination affirms that the Department expects ongoing SGMA compliance and GSA oversight even when a basin is subject to a court judgment.

### **IV. IMPLICATIONS FOR UVRGA**

The Upper Ventura River Basin has been the subject of a comprehensive adjudication. The GSA's GSP was approved by DWR, and the basin is actively working toward SGMA compliance. The confluence of legislative clarification (via AB 1413 and AB 1466) and DWR's firm regulatory stance (via the Borrego Springs determination) provides legal support for UVRGA's continued role in basin management, even within the context of ongoing or future adjudication.

Taken together, these developments confirm that adjudications cannot be used to circumvent or replace GSP targets, and they support the legal and administrative continuity of the Agency's planning work. They also provide tools to ensure that small pumpers and non-party stakeholders are considered in basin-wide management decisions.