Earlier this month, California’s Legislature passed a slate of bills that cover a range of environmental and climate issues. Among those was Assemblymember Lori Wilson’s AB 779, a bill we helped create to improve the groundwater adjudication process for all water users.

Adjudications legally determine groundwater rights but can take years and cost millions of dollars. This hurts all groundwater users, and is especially burdensome for small farmers, farmers of color, and other historically marginalized groundwater users. Assemblymember Wilson, and we, wanted to ensure those communities were not left behind in these crucial proceedings. So as students in UCLA Law’s California Environmental Legislation and Policy Clinic (Fall 2022-Spring 2023), we worked with Assemblymember Wilson’s office to help make the adjudication process more fair.

After multiple rounds of stakeholder interviews, research, and legislative drafting, in

March 2023, we traveled to Sacramento to provide witness testimony in support of AB 779 to the State Assembly Committee on Water, Parks, and Wildlife. Before the committee, we explained that AB 779 will create a more transparent, efficient, and fair groundwater adjudication process for all groundwater users.

AB 779 took a number of clarifying amendments before passing, and we are excited that the final version of the bill, if it becomes law, will improve the groundwater adjudication process for all groundwater users in the following ways:

- First, AB 779 requires courts to certify that they have considered "the water use of and accessibility of water for small farmers and disadvantaged communities" when entering a judgment in an adjudication. This provides a safeguard to ensure the needs of historically marginalized groundwater users are considered, even if they lack the resources other users may have to engage with the adjudication proceedings.
- Second, AB 779 requires parties to groundwater adjudications to send all pleading and briefing materials to the groundwater sustainability agency (GSA) in their basin. The GSA will then publish the materials online so that any groundwater user in the basin can stay up to date on adjudication proceedings. The GSA will also be required to host a public meeting explaining the adjudication process and status of the adjudication to groundwater users and interested members of the public. This will help raise awareness when an adjudication is happening, helping parties better understand their rights and role in the process.
- Third, AB 779 authorizes the court–on its own or prompted by a request from a party–to refer groundwater adjudications to the State Water Resources Control Board. State experts can provide technical expertise and balanced, scientifically informed reports that help courts understand groundwater use in a basin.
- Lastly, AB 779 creates safeguards to prevent over-pumping during adjudication proceedings, such as requiring parties to report groundwater monitoring data and mandating continued compliance with a basin's groundwater sustainability plan or plans.

Last week, AB 779 was enrolled and delivered to Governor Newsom's desk. The bill is currently awaiting the Governor's review and signature.

We believe AB 779 is an important improvement to the groundwater adjudication process that can help level the playing field for all groundwater users. The bill will

add protections for historically marginalized users, inform the public about adjudications, facilitate valuable involvement by state experts, and safeguard groundwater resources while rights are adjudicated. While there is still much to be done to ensure sustainable and equitable management of our state’s precious groundwater resources, these provisions would make meaningful progress, and we hope they will soon be enshrined in state law.

Gabi Rosenfeld, Owen McAleer, and Adrianne Davies are 3L UCLA Law students.