FLEXIBILITY IN THE CALIFORNIA WATER RIGHTS SYSTEM

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THREE MAIN TOPICS

I. Introduction: Some Features of the California Water Rights System

II. To What Extent will Future Demand be Met with New Water Rights?

III. Methods for Adjusting or Reallocating Existing or Claimed Water Rights.

Some Features of the California Water Rights System

Appropriative Rights—Beneficial Use

Riparian Rights—Adjacent to Water

Groundwater—No Statewide Control in California

Rights are permanent, unless lost.

Not granted for a limited term.

II. To What Extent will Future Demand be Met with New Water Rights?

- Appropriative Rights
- Riparian Rights
- Groundwater
- Federal Reserved Rights
- Diffused Surface Water
- Desalination

III. Methods for Adjusting or Reallocating Existing or Claimed Water Rights.

- Likely that much of the water needed for new demands will come from reallocation of water held under existing rights.

- Methods of reallocation can be voluntary or involuntary.

- Voluntary Transfers of Water or Water Rights
- Voluntary Transfer of Land with Water Rights
- Acquisition of Water Rights by Eminent Domain

- Enforcement of Requirement that Diverter Have a Valid Water Right
- Loss or Revocation of Right
- Application of Article X, Section 2 of California Constitution (reasonable, beneficial use)
- Conservation and Recycling

- Application of Public Trust Doctrine
- Regulation pursuant to Statute (e.g., Clean Water Act, Endangered Species Act)
- Area of Origin Water Rights
- Non-renewal or Adjustment of Contracts

CONCLUSION