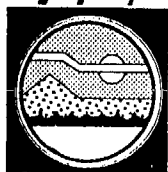


**Water Code Sections and
Information Relating to**

**Cessation or
Reduction in
Ground Water
Extractions**

91-5 WR

June 1991



**STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD**



STATE OF CALIFORNIA
Pete Wilson, Governor

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Cover:
*Drops indicate cessation
or reduction that is being
recorded.*

Source:
Division of Water Rights

To reorder this publication refer to publication:
91-5 WR Cessation or Reduction in Ground Water Extractions

**Cessation or Recordation in
Ground Water Extractions**

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General Information

State law provides a means for owners of rights to pump ground water to protect these rights when they substitute water from an alternate nontributary source for previously pumped ground water. Before the passage of the statutes, many ground water pumpers in overdrawn and depleted basins were reluctant to reduce pumping and substitute other water for fear of losing their rights to the ground water.

To qualify, a water user must have at one time pumped ground water under some claim of right and put it to beneficial use and subsequently to have reduced or ceased pumping such water and substituted water from a different source, such as imported water or water released from storage reservoirs.

Sections 1005.1 and 1005.2 of the California Water Code apply only to the counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino. Section 1005.3 applies to specific water basins, and Section 1005.4 applies to the remaining counties in California.

Chapter I Description of the Program

Ground Water users who wish to avail themselves of the water right protection, provided under California Water Code Sections 1000. through 1005.4, must file a first statement on prescribed form (Form 60-B) with the State Water Resources Control Board. Those ground-water users who maintain good groundwater extractions and use records should have no difficulty in filing the form. When groundwater is used for agricultural irrigation purposes, item 6 of the form (Form 60-B) may be helpful to estimate total extractions.

After the first statement is filed on Form 60-B, subsequent statements may be filed on the shorter annual statement form (Form 60-C). **These annual statements must be filed by December 31st of each year.**

Sections of the Water Code applicable to the cessation and reduction in ground water extractions are provided in this brochure for your information.

Chapter II Water Code Sections

Division 2. Water, Part 1. General Provisions Chapter 1. Definitions and Interpretation of Division

1000.

As used in this division, "water" includes the term "use of water".

1001.

Nothing in this division shall be construed as giving or confirming any right, title, or interest to or in the corpus of any water.

1002.

This division shall not be held to bestow upon any person, except as expressly provided in it, any right where no such right existed prior to the time this division takes effect.

1003.

As used in this division, "Water Commission Act" means Chapter 586, Statutes of 1913, as amended.

1003.5

As used in this division, "board" means the State Water Resources Control Board.

1004.

As used in this division, "useful or beneficial purposes" shall not be construed to mean the use in any one year of more than 2 1/2 acre-feet of water per acre in the irrigation of uncultivated areas of land not devoted to cultivated crops.

1005.

Nothing in this division shall be construed as depriving any city, city and county, municipal water district, irrigation district, or lighting district of the benefit of any law heretofore or hereafter passed for their benefit in regard to the appropriation or acquisition of water. Any right to the water of any stream which flows along a boundary of the State and which is the subject of an interstate compact to which the State is a party, to the extent such right relates to quantities of water which the United States has, under the authority of an act of Congress, contracted to deliver to any municipal corporation, political subdivision, or public district in the State, from storage constructed by the United States on any such stream, shall not be subject to any requirement or limitation provided by law relating to the time within which the construction of works for the use of such water shall be commenced, carried on, or completed, or within which such water shall be put to use, or relating to the continuity of use of such water; and water contracted to be delivered from such stream, shall be reserved to the contractor therefor without diminution by reason of the contractor's failure to apply such water to use during any period, and shall not be subject to appropriation by any other than such contractor.

Water Code Continued

1005.1

Cessation of or reduction in the extraction of ground water by the owner of a right to extract, as the result of the use of an alternate supply of water from a **nontributary source**, shall be and is deemed equivalent to, and for purposes of establishing and maintaining any right to extract the ground water shall be construed to constitute, a reasonable beneficial use of the ground water to the extent and in the amount that water from the alternate source is applied to reasonable beneficial use, not exceeding, however, the amount of such reduction. Any such user of water from an alternate nontributary source who seeks the benefit of this section, shall file with the board, **on or before December 31st** of each calendar year, a statement of the amount of water from such source so applied to reasonable beneficial use pursuant to the provisions of this section during the next preceding water year (November 1st to October 31st), and **such user cannot claim the benefit of this section for any water year for which such statement is not so filed.**

"Ground water," for the purpose of this section and of Sections 1005.2 and 1005.4, means water beneath the surface of the ground, whether or not flowing through known and definite channels.

The term "*nontributary source*," as used in this section, shall be deemed to include water imported from another watershed, or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

1005.2

Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such *alternate source* is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring prior to the effective date of this section, shall file with the board, within ninety (90) days from said effective date, a statement of the amounts of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use prior to said effective date to permit the replenishment of such ground water and said amounts shall be segregated and shown for each water year (November 1st to October 31st) during which such use occurred prior to the effective date of this section. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring sub-

Water Code Continued

sequent to the effective date of this section, shall file with the board, **on or before December 31st** of each calendar year, a statement of the amount of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use during the next preceding water year (November 1st to October 31st) to permit the replenishment of such ground water. **Such user cannot claim the benefit of this section for any water year for which such statement is not so filed.**

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this state defined by the exterior boundaries of the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

The term "*nontributary source*" as used in this section shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

1005.3

During the pendency of an action to adjudicate substantially all water rights in a ground water basin situated in whole or in part within the **Tehachapi-Cummings County Water District in Kern County**, and until the date of judgment therein becomes final, which finality may be subject to any reserved jurisdiction of the court, the failure by any owner of water rights in and to such ground water basin to pump or extract therefrom the full quantity of water representing such water rights which he may be determined to have had as of the date of commencement of the action, shall not result in a loss of any such failure to pump or extract in any water year, calendar year, or other year ending after the effective date of this section, whether or not said action was commenced prior to that effective date.

This special provision is necessary because there are special and peculiar circumstances applicable to the ground water basins lying wholly or partially within the Tehachapi-Cummings County Water District. There are three such ground water basins, commonly referred to as the Tehachapi Basin, the Brite Basin and the Cummings Basin. The alluvial fill in each of said basins is very shallow when contrasted to most other ground water basins in this state. It is necessary to induce those pumpers who can possibly do so to reduce their pumping from the basins if sufficient ground water reserves are to be maintained for preservation of the existing economy until supplemental water is available from the State Water Facilities. Actions to adjudicate substantially all water rights have been filed as to each of those basins.

Water Code Continued

1005.4

(a) Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such alternate source is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions.

(b) Any such user of water from an alternative source may file with the board, on or before December 31st of each calendar year, a statement of the amount of reduction in the extraction of groundwater as a result of water from the alternative source having been so applied to reasonable beneficial use during the next preceding water year (October 1st to September 30th) to permit replenishment of such groundwater. However, failure to file such a statement shall in no way affect the right of a user to claim the benefit of this section.

(c) The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this state **defined by the exterior boundaries of every county, except the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.**

(d) The term "*nontributary source*," as used in this section, shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

For Information, Call:
the State of California, Division of Water Rights
at (916) 322-4503

Related Publications:
91-3 WR Recordation of Water Extractions and Diversions
91-10 WR Statements of Water Diversion and Use (1977)