

Legal Foundations

Dual system of surface water rights

- Riparian Rights
 - Linked to land next to a river
 - Shared equally among landowners (correlative use)
 - No storage, no need for permits
 - Not lost by non-use

Appropriative rights

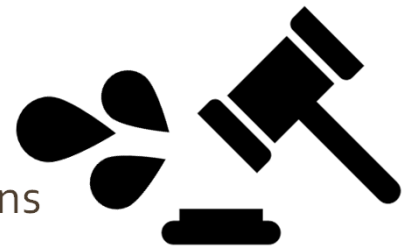
- “First in time, first in right”
- Pre-1914: No permit required
- Post-1914: Permit from SWRCB required
- Can be lost after 5+ years of non-use
- Quantified use with defined purpose and location

Public Trust Doctrine

- Water is held in trust for the public: navigation, fishing, environment
- Non-consumptive use, highest priority

Groundwater Rights

- Overlying rights: for land above the basin (like riparian)
- Appropriative groundwater rights: for use outside the basin
- Most pumping doesn't require permits, unless in adjudicated basins



Riparian Rights	Appropriative Rights	Pueblo Rights	Overlaying Groundwater Rights	Appropriative Groundwater Rights
Correlative	By priority	Have priority over riparian and appropriative	Use must be on overlying land	No statutory procedure
Not Fixed in amount	Fixed in amount		Absent basin adjudication or local regs, no permit needed	Required for any use outside the basin (or for municipal use)
Can't be lost by non-used	Can be lost by non-use	Beneficial use of all-natural water from the watershed flowing through the original pueblo to today's city limits.	Passes with sale of the land	Priority system applies
Can't be stored	Can be stored		Correlative right - each user entitled to a fair and just amount	Applies only to surplus water not needed to satisfy overlying uses
Can be severed	Can be transferred	Los Angeles and San Diego are the only 2 cities with pueblo rights recognized by judicial decisions	Takes priority over appropriative uses	
Can't be used out of watershed	Can be used out of watershed		Not lost by disuse	
Must be reasonable	Must be reasonable	Must be reasonable	Must be reasonable	Must be reasonable