

Groundwater Law

Downey Brand attorneys develop, manage, and protect groundwater rights and resources for clients statewide.

As one of California's most valuable natural resources, groundwater continues to play a vital role in the sustainability of California's overall water supply. Downey Brand attorneys work closely with cities, counties, local districts, farmers, ranchers, wineries, and [real estate](#) developers, among others, to navigate the complexities of groundwater rights, groundwater management, groundwater banking and conjunctive use.

Sustainable Groundwater Management Act (SGMA)

Downey Brand has been continually involved with the Sustainable Groundwater Management Act (SGMA) of 2014, including during its development and drafting. As this landmark change in California's water law unfolds, our attorneys remain at the forefront. We have formed numerous Groundwater Sustainability Agencies (GSAs), provided counsel on the establishment and implementation of Groundwater Sustainability Plans (GSPs), assisted in acquiring funding sources for groundwater management, and aided the development of new water supplies.

[Visit our SGMA practice page for more information and resources.](#)

Banking and Conjunctive Use

Our attorneys advise and represent numerous entities that operate water banks and conjunctive use projects. The scope of these projects ranges from some of the largest water banks in the state to localized endeavors, such as temporary recharge projects, in lieu recharge programs, and creative on-farm recharge projects. Our work in this area includes securing water rights, developing project agreements, and advising on parameters for recovery operations.

Litigation

Our attorneys have deep experience in groundwater litigation. These complex, technical matters involve establishing the safe yield of the groundwater basin, determining if the basin is in overdraft, and adjudicating all pumping rights in the basin. Downey Brand LLP attorneys are again at the vanguard and have initiated the first groundwater adjudication since SGMA was enacted, pursuant to new streamlined adjudication procedures established by the Legislature in 2015.

Transfers

We facilitate the transfer of stored water, including water stored underground, as well as the transfer of water by groundwater substitution. This frequently includes navigating a complex web of regulatory schemes at the local, state, and federal levels.

Due Diligence

As a result of our groundwater work throughout the state, we are uniquely situated to provide advice regarding strategies for anticipating impacts to regional groundwater supplies. In that capacity, we frequently provide due

diligence analyses in connection with the acquisition of real estate and development projects.

Ongoing Developments

As the law regarding groundwater continues to develop, we remain engaged on all issues. These include the regulation of groundwater extraction and transfer at the local level, post-SGMA legislation at the state level, and the extent of public trust obligations regarding groundwater that is hydrologically connected to surface waters.

Selected Experience

- Advise court-appointed Watermaster in the City of Los Angeles v. City of San Fernando groundwater adjudication.
- Trial counsel in two groundwater basin adjudications – the Seaside Basin in Monterey County and the Santa Maria Basin in Santa Barbara and San Luis Obispo Counties.
- Special counsel to the Monterey County Water Resources Agency and represented the Agency in numerous proceedings relating to the Salinas Valley Groundwater Basin.
- Representing San Bernardino Valley Municipal Water District in water rights litigation for the Rialto-Colton groundwater basin in Southern California.
- Initiated first post-SGMA groundwater litigation, pursuant to streamlined litigation procedures of AB 1390 and SB 226, in the Las Posas Valley Groundwater Basin.
- Litigated against water bank overlying multiple subbasins in the central valley, resulting in revised operational guidelines that protect adjacent landowners.
- Assisted in development of large on-farm recharge project in central valley.
- Created numerous GSAs by JPA, Memorandum of Understanding, and by Special Act legislation.
- Special Counsel to Kern Water Bank Authority.

Trade Groups

- American Bar Association Section of Environment, Energy, and Resources
- Association of California Water Agencies (ACWA)
- Association of Women in Water, Energy & Environment (AWWEE)
- California Association of Sanitation Agencies (CASA)
- California Construction and Industrial Materials Association (CalCIMA)
- California Stormwater Quality Association (CASQA)
- Groundwater Resources Association (GRA)
- Northern California Water Association (NCWA)
- Water Education Foundation