



Media Release

California Water Rights Law Reaches Milestone: 100 Years and Counting

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In the long and contentious history of water rights in California, one date stands out: Dec. 19, 1914, exactly 100 years ago.

That year brought order and structure to California's previously often chaotic and litigious water rights landscape. It also marks a dividing line in the hierarchy of water rights – an appropriative right is either "Pre-1914" or "Post-1914." To appropriative water right holders, which side of 1914 their right falls on makes a big difference in how the right is administered and the security of the right, especially in a drought situation.

In the years before 1914, California water claims could be initiated simply by diverting and using the water, and battles over water rights were decided in courts, if not in more violent venues. The appropriative right system has been recognized in California since 1851 – water users "appropriated" water, and the claims were given priority based on when the appropriation was initiated or the claim was posted. That could be as simple as nailing a notice to a tree, similar to Gold Rush mining claims.

On Nov. 3, 1914, the voters approved the Water Commission Act of 1913, and the Act took effect on Dec. 19, 1914, establishing the state's water rights permit process. The Act also created the Water Commission to administer water rights and licenses, an agency that evolved to become the State Water Resources Control Board.

The water rights claims that existed before the passage of the Water Commission Act were grandfathered in, and have senior water rights initiated under the Water Commission Act. Water rights granted after 1914 were subject to a more orderly permitting and licensing procedure administered by the Water Commission, a predecessor of the State Water Resources Control Board.

That system is still in place today, incorporated in the state Water Code. It provides a predictable and orderly method of determining water rights, apportioning water in times of scarcity, and giving water rights holders the ability to plan ahead based on the priority of the water right they hold.

Water right permits and licenses spell out the amount and timing of water diversions and the purpose and place of use. They are designed to protect water rights throughout a watershed, giving priority to right holders with the earliest documented claims – the "First in Time, First in Right" doctrine.

The system isn't perfect – water rights are still contentious. Trying to determine how the important needs of health and safety and public trust assets like fisheries and recreational navigability fit into the

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water rights system still draw controversy. Water battles often wind up in a court of law, but much less frequently than before 1914. But without that 1914 legislation, California's ability to cope with severe droughts like the current one would be hobbled, and water rights claims would likely overwhelm the state and federal court system.

To see and download the commemorative water right banner for 100 years, please click [here](#).

For more information on the water rights system, visit:

<http://www.waterboards.ca.gov/waterrights/>