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## State Water Resources Control Board

May 24, 2016

Ms. Kelley Gage  
Sr. Director of Water Resources Planning  
Eastern Municipal Water District  
2270 Trumble Road  
Perris, CA 92572

Dear Ms. Gage:

I am responding to your request of April 6, 2016, for advice from the State Water Resources Control Board (State Water Board) regarding the exemption for adjudicated areas from the provisions of the Sustainable Groundwater Management Act, Water Code section 10750, et seq. (SGMA).

As you are aware, Water Code section 10720.8, subdivision (a), exempts 26 adjudicated areas from the provisions of SGMA. Included among this list is the San Jacinto Basin. As noted in your letter, only a portion of the San Jacinto Basin is subject to the stipulated judgment entered in *Eastern Municipal Water District v. City of Hemet, et al.*, Riverside County Superior Court, Case No. RIC1207274 (San Jacinto lawsuit). The groundwater management area that is described in the judgment does not include the entire hydrological basin as defined in Bulletin 118 (Basin No. 8-05). The judgment also does not purport to apply to every pumper within the described groundwater management area.

Water Code section 10720.8, subdivision (e), states that “[i]f an adjudication action has determined the rights to extract groundwater for only a portion of a basin, subdivisions (a), (b), (c), and (d) apply only within the area for which the adjudication action has determined those rights.” SGMA defines “adjudication action” as “an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.” (Wat. Code, § 10721, subd. (a).)

Pursuant to subdivision (e), the exemption from the provisions of SGMA does not apply to those portions of a basin for which an adjudication action has not determined rights to extract groundwater. Therefore, that portion of the basin that is outside of the groundwater management area described in the stipulated judgment to the San Jacinto lawsuit must comply with SGMA. I understand, however, that your primary concern is the status of those pumpers who are extracting water within the management area, but whose rights are not adjudicated by the judgment.

Pumpers who were not parties to the San Jacinto lawsuit are not bound by the stipulated judgment. We agree that the court has not assumed jurisdiction over a region, it has only assumed jurisdiction over certain pumpers in that region. But the text of the statute uses the geographic term "adjudicated areas" to define exemptions to SGMA. We understand "adjudicated areas" as used in the statute to refer to the geographic area described in a judgment entered in an adjudication action. The stipulated judgment for the San Jacinto Basin declares and adjudicates the rights of the parties to the reasonable and beneficial use of surface water and groundwater in the "Management Area." (Stipulated Judgment, San Jacinto lawsuit, pp. 6-7.) The Management Area is defined as the Canyon, the San Jacinto Upper Pressure, and the Hemet North and Hemet South Basins, as delineated on the map attached as Exhibit A to the judgment. (Stipulated Judgment, San Jacinto lawsuit, p. 9.)

Because the stipulated judgment explicitly applies to a particular geographic area, even though the judgment does not adjudicate all of the rights to groundwater in that area, the State Water Board considers the entire Management Area to be exempt from SGMA. Therefore, the State Water Board does not find any portion of the Management Area to be subject to probationary designation under Water Code section 10735.2, subdivision (a)(1), or to other provisions of SGMA. (But see Wat. Code, § 10720.8, subd. (f) [requiring that specified information be submitted to the Department of Water Resources for adjudicated areas].) The State Water Board also does not consider any portion of the Management Area to be subject to the reporting requirements specified in Water Code section 10724 subdivision (b), Chapter 11 (commencing with Section 10735) of Part 2.74 of Division 6, or Part 5.2 of Division 2.

This letter offers a non-binding, advisory opinion. It is not a declaratory decision and does not bind the State Water Board in any future determination.

Sincerely,



Erik Ekdahl  
Director, Office of Research, Planning, and Performance

cc: VIA E-mail  
David Gutierrez  
Department of Water Resources