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The Equation

Will California Take This Small, but Important Step Toward a More Equitable Water Rights System?

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Earlier this summer, I wrote about three bills that were poised to [make long overdue changes](#) to California's outdated and [inequitable water rights system](#). Whether you call it updating, modernizing, or reforming, changes to the water rights system have long been considered a [political third rail](#)—the electric kind you don't touch.

This year, one of those water rights bills, Senate Bill 389 (SB 389) made it through the gauntlet of the legislature and will become law if Governor Newsom signs it. The bill would give the State Water

In 2017, Nevada [passed a bill](#) that effectively gave water rights claimants 10 years to submit proof of their claim to the state or abandon them:

- “Section 1 of this bill requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, regardless of whether an adjudication has been ordered for a water source. If a claimant fails to submit such proof, the claim is deemed to be abandoned.”

It’s past time for California to catch up with its neighbors.

Newsom should sign SB 389 without hesitation

Modernizing water rights means adapting a 19th century system, [inherently inequitable by design](#), to 21st century needs. California is one of the last western states to do this and arguably, it’s doing it with the weakest tool. There’s no deadline by which water rights holders must do this or abandon their claim like other states have included.

Senior, pre-1914 water rights reflect 45% of surface water right holders and 35% of surface water diversions by volume; they have never been adequately documented and [remain poorly understood](#). As climate change exacerbates the volatility and unpredictability of California’s water system, understanding the whole set of users and their demands is more important than ever for climate resilient management. SB 389 provides a small, but important, step toward a more transparent and equitable water rights system.

Fortunately for us, Senator Ben Allen and his SB 389 co-authors, Assemblymembers Bauer-Kahan and Wicks, are working to incrementally improve California’s water rights system and catch up with our western neighbors. Check out the Planning and Conservation League’s [resource page](#) to learn more about all three water rights bills and ongoing efforts to pursue a fair, balanced, equitable, and timely tool set for the state.

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