

Quieting title to groundwater rights does not necessarily require quantification of prescriptive losses

The Sixth District Court of Appeal has ruled that a judgment quieting title to overlying rights to groundwater in times of basin surplus does not require quantification of the specific amount of prescriptive rights that may previously have been established against each overlying landowner. *City of Santa Maria v. Adam, et al.*, No. H041133 (Sixth Dist. June 24, 2016). As part of a broader groundwater basin adjudication, owners of land overlying the Santa Maria Valley Groundwater Basin sought a judgment quieting title to their overlying water rights as against the City of Santa Maria and other public water appropriators. The trial court had previously found that certain of the appropriators had acquired prescriptive rights to groundwater, in specified quantities, as against the landowner group. However, it rejected the landowners' argument that the judgment necessarily needed to quantify the prescriptive right as against each landowner. The appellate court agreed, concluding that where a groundwater basin is in a condition of surplus, a judgment quieting title need not quantify the proportionate share of prescriptive loss attributable each landowner. The prescriptive rights acquired by each municipal purveyor *had* been quantified by the trial court. These rights had been acquired during a period several decades earlier during which the groundwater basin had been in a condition of temporary overdraft. At the time plaintiffs sought to quiet title, however, it was undisputed that the basin was in a condition of surplus -- i.e., there was sufficient groundwater for the reasonable and beneficial needs of both overlying parties and appropriators. Under these circumstances, the court concluded, there was no need to quantify the specific prescriptive loss attributable to each overlying user in order to quiet title. The appropriators' prescriptive rights were established against the aquifer as a whole, not just against the specific landowners' overlying rights. The fact that such prescriptive rights had been acquired had no practical effect in times of surplus -- the landowners would not have been able to enjoin parties from appropriating water, regardless of whether or not those parties had obtained prescriptive rights. It would only be in times of overdraft that prescriptive rights would become pertinent. Because overlying rights are both correlative and based on reasonable and beneficial use, they may change over time. In times of future overdraft, the landowners would be required to determine their proportionate correlative share of basin groundwater rights with other overlying landowners. At that time, the proportionate prescriptive right enforceable against each of the landowners would have to be quantified. The need did not arise before then.

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