

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



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INTERIM EXECUTIVE OFFICER

Arne Anselm

April 1, 2025

The Honorable Diane Papan
Chair, Assembly Committee on Water, Parks and Wildlife
State Capitol
Sacramento, California 95814

RE: SUPPORT: Assembly Bill 1466, As Amended
Groundwater Adjudication: Standard of Review

Dear Chair Papan:

The Fox Canyon Groundwater Management Agency (Fox Canyon) supports Assembly Bill 1466 (Hart), which establishes the standard of review courts shall use when reviewing actions of a groundwater sustainability agency (GSA) and sets forth a process to protect the rights of small water users in an adjudication. In conjunction with your AB 1413, this bill seeks to close loopholes within the groundwater adjudication process that are being used to impede the implementation of SGMA, including delaying groundwater sustainability measures while failing to protect the rights of small water users. It builds upon the efforts of the Legislature in 2023's Assembly Bill 779.

AB 1466 mandates that courts use the "Substantial Evidence" standard when reviewing GSA actions during adjudications. This requires upholding a GSA's decision if there is enough evidence for a reasonable person to support the conclusion. This standard defers to the decision-maker's findings, meaning appellate courts won't replace the judgment of the lower court or agency unless the evidence is clearly insufficient.

AB 1466 is essential as litigants aim to use groundwater adjudications for a full, independent review of the findings by groundwater sustainability agencies, the Department of Water Resources, and the State Water Resources Control Board under SGMA.


Some litigants have improperly attempted to use the adjudication process to overturn the approval of technical findings contained within a groundwater sustainability plan (GSP) by a groundwater sustainability agency and the Department of Water Resources (DWR). The Legislature has established a proper venue within the Sustainable Groundwater

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Management Act (SGMA) for any interested party to challenge these technical findings and sustainability measures, which is through a validation action.

For the reasons stated above, IWVGA supports Assembly Member Hart's AB 1466 and respectfully requests your AYE vote.

Sincerely,


Arne Anselm
Interim Executive Officer
Fox Canyon Groundwater Management Agency