

# Executive Summary: Achieving Water Justice in California: A vision for an equitable and resilient future

Pre-release: Full report available soon at [climateandcommunity.org](https://climateandcommunity.org)

[Climate and Community Project](#) with the [Socio-Spatial Climate Collaborative](#) at the University of California, Berkeley

Aaryaman Singhal, Avalon Bauman, Leah Bridle, Jessica Liston, Meghan Reisenauer, Patrick Bigger, Daniel Aldana Cohen

October 3, 2023

California's water rights system is rooted in [land theft](#) and [racism](#). It facilitates unjust and unsustainable outcomes that threaten the wellbeing, and in some cases the survival, of people, agriculture, and ecosystems. Black, Indigenous, and People of Color disproportionately receive [contaminated](#) and [unaffordable water](#). Meanwhile investment funds and insurers like [Manulife Financial Corp.](#), [TIAA](#), and [Harvard's endowment](#) profit from overpumping California's diminishing groundwater, [drying up domestic drinking water wells](#) people rely on across the state. [Fish and ecosystems face extinction](#) and declining health from waterways so fundamentally altered and unsustainably managed that some dry up while others are too warm to support native species. [Climate change exacerbates these interconnected challenges](#) in the form of more extreme droughts and precipitation events.

Most proposals to avert the state's water crisis do not address justice and climate change at the scale these challenges demand. This report builds on important work already being done, laying out an ambitious vision that tackles the drivers of California's water challenges head on – an archaic water rights system, the climate crisis, and concentrated power. **California can secure a future in which people, agriculture, and ecosystems thrive in the face of increasing climate uncertainty through water prioritization based on need, investments in climate resiliency, and most importantly –**

**community control that addresses historical power imbalances.**

**First**, water is a public good essential to the survival of people and ecosystems. Thus, we recommend prioritizing water based on need. While we present a framework for prioritization in “tiers” below, specific priorities and protections to meet needs should be developed in collaboration with communities historically excluded from water access and water justice movements.

- **Tier 1: Meeting Basic Needs** - Give highest priority to ensure water achieves California's Human Right to Water (water for cooking, consumption, and sanitation), climatically suitable and sustainable agricultural systems, and healthy ecosystems.
- **Tier 2: Resilience** - Investments and allocations that increase underground water storage for dry years, water conservation, wastewater recycling, and green infrastructure approaches to help manage precipitation and climatic extremes.
- **Tier 3: Private Luxury Uses** - All other water uses primarily for private benefit (e.g. extractive agriculture, lawns, golf courses) should be reduced, and in the case of fossil fuel extraction and refining, eliminated entirely.

**Second**, we recommend community watershed governance boards – with a composition that intentionally counteracts historical power inequities – make water allocation decisions within each watershed in alignment with such a priority system. The state should act as a check on these boards to ensure their decisions reflect such priorities.

**Third**, we suggest intermediate steps that can build toward this vision over time. Example policies include repealing Prop 218 so utilities can implement more

## Pre-release Executive Summary: Achieving Water Justice in California

progressive water rate structures, and developing more equitable water governance within the Sustainable Groundwater Management Act. Industrial policy mechanisms can also shift agricultural subsidies away from more extractive systems toward more sustainable production systems like farming under solar panels, ecosystem-integrated farming, and dry farming. Agricultural transitions must also advance economic and land justice. For instance, these transitions should include returning land to Indigenous stewardship, developing worker-owned farming cooperatives that prioritize BIPOC and female farmers, and [pairing financial support for land-use transitions with “high-road” practices](#) which increase labor skills and pay.

State-driven actions to increase water quality standards, return lands to tribal stewardship, and give water bodies rights themselves can protect and restore California’s ecosystems. Public investments in wastewater recycling and groundwater recharge can improve the resilience and flexibility of the state’s water supply. Centering green infrastructure and tribal co-management approaches can also strengthen the ecosystem benefits and resilience alongside benefits for water supply reliability.

California must also increase accountability and shift incentives to reduce private luxury water uses that threaten the quantity and quality of water. For example, passing extended producer responsibility bills can make corporations and water-intensive farmers financially responsible for water they deplete or contaminate in nearby communities. The state can also set policies that reduce or ban irrigation for nonfunctional turf while increasing investment in public green spaces.

Water advocates, experts, and communities must discuss opportunities and risks with an unflinching understanding of California water’s historical context, current and future climate threats, and the incentives of actors with concentrated wealth and power.

These recommendations flow from examining the history of California’s racist and profit-oriented system of water rights. That history is marked by sprawling, interlinked processes of predatory social, economic, and environmental relationships. While Spanish settlers had already begun colonizing what is now California [in the 1700s](#), the Gold Rush of the mid-1800s [accelerated often violent seizures of land and water](#). The State of California [legalized this theft](#) and funded

militias to [kill Indigenous people](#), upending their ways of life or worse. Settlers [began blasting mountain sides with water to find gold](#) and [silted up rivers in the process](#). Soon, both large municipalities and groups of farmers, acting through irrigation districts, built large infrastructure projects — dams, aqueducts, canals — to [capture and move water](#) across the state. Through this history, a few predominantly white and male settlers cemented their claims to water rights under California’s legal system and profited handsomely from controlling it.

While these settlers benefitted from the new infrastructure, they went to great lengths to ensure Black, Indigenous, and People of Color (BIPOC) communities did not. Tribes had their land seized or were flooded off their land when dams were erected. [Black farmers and other people of color were excluded](#) from communities with clean and abundant water for farming and drinking through a combination of redlining, sundown towns, overt discrimination, and deception. Water infrastructure that drained lakes, reversed the flows of rivers, and blocked fish migration, [fundamentally altered – and devastated – ecosystems](#).

Finding solutions to these interlocking and compounding problems will require ideas that move beyond the water rights regimes that settlers and investors often exploited shortsightedly and ruthlessly for private financial gains.

**This report is not intended to be the final word. Instead, it aims to further a conversation about an equitable and climate-adapted water future** by inviting more people to think boldly and at the scale and urgency of the problem. As this conversation unfolds, movements, along with like-minded politicians and attorneys, can continue to achieve important wins through organizing, political, and legal strategies. Their wins can meaningfully improve people’s lives while building toward a more secure, resilient, and just future.